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⑨

A

SYMPOSIUM

ON

THE LAND QUESTION.

BY

AUBERON HERBERT.

WORDSWORTH DONISTHORPE.

SYDNEY OLIVIER.

J. C. SPENCE.

ROBERT SCOTT MOFFAT.

MICHAEL FLÜRSCHEIM.

LIEUT.-COL. W. L. R. SCOTT.

HERBERT SPENCER.

HENRY W. LEY.

J. B. LAWRENCE.

EDITED BY

J. H. LEVY,

*Late Lecturer on Logic and Economics at the Birkbeck Institution
and the City of London College.*

^
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EDITOR'S PREFACE.

My part in the following Symposium has been little more than the choice of the disputants and passing it through the press. With the exception of the ninth, the whole of the essays were written specially for this Symposium. Strictly speaking, there are two Land Questions—one of property and one of tenure; of which the first only is here dealt with. My own views are sufficiently expressed in the note on pp. 77-8, and in Mr. Lawrence's contribution.

J. H. LEVY.



CONTENTS.

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	PAGE
AUBERON HERBERT	1
SYDNEY OLIVIER	8
ROBERT SCOTT MOFFAT	13
LIEUT.-COL. W. L. R. SCOTT	18
HENRY W. LEY	23
WORDSWORTH DONISTHORPE	33
J. C. SPENCE	41
MICHAEL FLÜRSHEIM	45
HERBERT SPENCER	58
J. B. LAWRENCE	62
AUBERON HERBERT, <i>reply</i>	68

ERRATUM.

For “put,” on page 76, line 14 from bottom, read
“*putting*.”

SYMPOSIUM
ON
THE LAND QUESTION.

I.—BY AUBERON HERBERT.

I WOULD urge—

1. That neither as an abstract matter of right, nor as a matter of practical convenience, ought land to be treated as the common property of the nation.

The abstract right.

The land either belongs to the whole nation or it does not. If it belongs to the whole nation, then it is the whole nation (minus nobody) who must decide upon the use of it. Such decision cannot possibly be made by a majority, for a majority is not the whole nation, and cannot by any exercise of ingenuity be shown to be the whole nation. Until a part becomes equal to the whole, such ingenuity might as well expend itself in twisting sand-ropes. It is in this matter beside the point to say that a majority represents the whole nation. A majority is itself, and nothing but itself, and it is only by a fiction or convention—which fiction can have no application where we are philosophically discussing what is claimed as an abstract and natural right—that it can be looked on as anything more than itself. A little accurate thinking will be enough to explode this bubble. It may be practically useful (or mischievous) on occasion to treat the majority as the nation, but in philosophical questions a majority cannot possibly be counted for more than what it is—a part of the nation.

If the land belong to the whole nation (say 100,000 persons), then every person has equal rights to it, and, except by the consent of every person, the land must remain free and open to all (which will be rather inconvenient as regards cultivation, building, &c.). If the 100,000 persons agree to modify their rights, they are, of course, able to do so; but as soon as there are 100,100 persons, all

such arrangements must be re-sanctioned or modified according to the decision of the 100,100 persons ; otherwise the land would not belong to the whole nation then existing.

This is not to be looked upon as a mere argument used for dialectical purposes. It is only our excessively loose way of thinking which leads us to confound things essentially different like the larger part and the whole.

If the proposition is to be that the land belongs to the majority, we come at once to a proposition that admits of practical application ; but it will require some courage to assert, as a Divine law, or as a natural right, that a certain unstated proportion of the 100,000 (say 50,000 + 1, or 75,000 ?) have full rights over the land, and the remainder have none, except such as the larger portion concede to them.

In truth, whoever claims that the land belongs to the majority has, before he arrives at this stage, to crack an impossible nut, and show either that the part is the same as the whole, or that the land, of natural right, belongs to A., B., and C., but not, of natural right, to D. Whoever claims the land for the majority must first establish that which is impossible to establish, that the majority has some rights besides those of force.

Having said this, I need hardly speak of such a proposal as Mr. George's tax from an abstract or philosophical point of view. The truth is that when we assert that the land belongs to the whole people of natural right, and that the majority may in consequence proceed to tax every person who holds it, we are making sad havoc of logic and the consistent use of words. If the whole nation of 100,000 persons has a right to the land, then has A. ~~one~~^{one} right to it ; and by what possible authority can he be deprived of this right, and given in exchange for his right the ~~one~~^{one} part of an unknown something provided out of a tax levied off the land ? Suppose he does not want this unknown something ; suppose he positively dislikes it ; or even suppose he cares nothing one way or the other ; in any case by what authority can you commute a right into something quite distinct from the right ? A right is by the very term used a thing which inherently belongs to the person concerned, and cannot be taken from him or converted into something else without his consent. The truth is, Mr. George and those who go with him build up a right in order to gain the admission that they wish to gain, and as soon as it is secured, conveniently ignore their own handiwork altogether.

Yet another difficulty. Assume this right of the people to the land, and the question has to be answered, what people to what land? Is there any reason to suppose that imaginary geographical boundaries will limit the right so set up? Why are those who live in unfavourable districts and who are densely crowded in their own areas to leave the more attractive spots of the earth to other peoples? The right of the majority is simply and absolutely—let this be clearly seen by those who have not yet seen it—the right of the strongest, and when once that law is established, there will be, for example, a Russian and a Chinese land-question as against other nations, as well as a question between different parts of the same nation. The philosophy of the fragment will be the philosophy of the whole.

Now let me look at some more special considerations affecting the abstract right. Some of my own friends who are Individualists whilst strongly defending private property in all other things, abandon it in land. I am now speaking as an Individualist to Individualists, and will try to point out the contradiction involved in such a position.

1. A certain field is claimed as national property, whilst the crop growing on it is admitted to be private property. But a field is not an abstract entity; it contains certain very concrete and valuable materials, such as lime, potash, soda, ammonia, phosphoric acid, &c., but so also does the crop contain these very same valuable materials, all of which come from the field, and what has been added to the field as manure. Therefore actually part of the field, and generally the very best part of the field, is actually embodied in the crop, so much so, that as we all know, crop after crop is often taken from rich virgin soil until the soil, without rest or manure, can yield no more. Now, can a more imaginary line between State property and private property be invented? Are we to believe that so many of those potash, phosphorus, &c., molecules belong to the individual, and so many to the nation; or is it only the large and comparatively worthless part, made up of insoluble silica, &c., that belongs to the nation? If so, what a good chemical education we ought to have to be able to distinguish national property from individual property, and national rights from individual rights!

We are therefore in this strange perplexity. Almost everything (we must except water products and the part played by air in production) that we use comes from this

national property,—land; but from having been national property yesterday, they, the very same molecules, are changed into private property to-day. I, A. B., cannot possibly own the molecules as long as they are in the field, but by some metaphysical hocus-pocus, I become their rightful owner as soon as I can draw them out of the field. If I am a clever chemist and know certain ways of drawing them out by means of my crops, I am within my rights; should I still be within my rights if I took a horse and cart and carried off some of this national property in the shape of a cart-load of soil? Now if with the Socialist we say all things belong to, all things are at the disposition of the majority, the molecules in the field, and equally the molecules out of the field, we are saved a great deal of mental difficulty, and whether we approve or not, we can recognise a certain consistency in the claim; but short of the Socialist position, there seems very little *terra firma* for the land-nationalizer.

Now look at other objections of a less theoretical character from the individual point of view; and I here claim as Individualistic that which can be shown to inhere logically in the system of individual rights as opposed to majority rights. The Individualist objects to great Government departments, to things managed by official inspection, or managed on one general plan, or from a central office, to huge sums of money collected and then expended by the Government, to the settlement of economical questions by votes in the House of Commons, to interferences with freedom of contract, and all forms of Earthly-Providence Administration, things which would be the almost necessary results of land ownership by the State. If it were replied, that land might be let by the State, without favour of any kind shown to anybody, but straight off to the highest bidder, then you would have the present system only complicated by many disadvantages. For how many years is it to be let? Is a man to be turned out at the end of his life to make room for another? How are improvements to be valued; and is the State-rent never to be raised—the raising of it being in some cases the equivalent to the confiscation of improvements? This is but a very small sample of the many unanswerable questions which the State would have to decide—questions, which the thorough-going Individualist sees that the State is thoroughly incompetent, morally or intellectually, to settle.

The Individualist believes in the power of voluntary association to solve many present difficulties, and to win many future victories, but if this is to be so, associations

on the voluntary principle must have no impediments thrown in their way. Difficulties in the ownership of land would be a serious impediment. There are already signs that co-operative societies are likely to become owners of land, and it is most important not in any way to check such an important movement. One may believe that labour associations would gradually become owners of land with the most happy results to themselves.

The Individualist has a strong aversion from taxes. He believes that no yearly burdens should be compulsorily thrown on the individual. But a system of State land would force upon every holder of land such yearly payment, taking from him his present choice of investing his savings in land, and being free from annual payment during the rest of his life. A man advanced in life knows what he does when he invests £100 in land and incurs no future liability ; he does not quite know, with the uncertainties of life and strength before him (and the uncertainties of other forms of investment), what he undertakes when he agrees to pay, say, £4 or £5 a year for the rest of his life. I look upon freehold land as the investment specially fitted for the poor man. He is an excellent judge in this one matter of what he buys ; he cannot lose it through the fraud or incapacity of others. He can almost always improve its value. To deprive the small man of this investment is greatly to depress the qualities that belong to Individualism.

The Individualist dislikes all strengthening of the Government; all throwing of unnecessary functions upon the Government. He sees that whenever a matter is devolved upon the Government, about which opinions are sharply divided, that then the desire to get hold of the Government machine becomes stronger amongst different sections, party spirit burns more fiercely, political bribes are more recklessly offered, and the Individualistic temper becomes impossible.

Moreover, believing strongly in private property, he disbelieves in every form of State confiscation. It is a violent thing to take the land ; it is a yet more violent thing not to pay its full value. But how can it be paid for ? The Individualist, who understands his creed, has a horror of State debts and the sums raised to pay for these debts. His idea of the individual's prosperity, is that of a free man, with the minimum of artificial restraints and of compulsory obligations ; but if the State is to own the land honestly, an enormous addition to debt must be made, and Individualism is again pushed far to the rear. (I do not

speak of a case like Ireland, where having deserted the free trade system and got into entanglement upon entanglement, the remedy must necessarily be one that is faulty in itself).

The Individualist hates exceptions. If he is to preach the doctrine of the sanctity of private property about the leg of mutton, the coat, the oak beam, that have all come from the land, he wants some very convincing reason to show him why the land from which they have come should not be equally sacred. He knows that private property, like every human thing, has its evil as well as its good ; he knows that the landowner may abuse his power, but so also may the flour merchant, who makes one in a flour-corner. Yet, just as this last possibility is not sufficient to frighten him into any Socialistic arrangement about flour, so neither should it about land. The land of all countries tends more and more to become one whole, and as the power and opportunities of the individual are multiplied by increased locomotion, fuller information, improved voluntary association, the hypothesis—that has done so much service—of the landlord not allowing any person to dwell on his land, fades into comparative insignificance. In fact, the violent and aggressive use by any landlord of his power, would (unless it were made an excuse for legislation) do probably more good than harm, as it would strengthen the desire for freehold ownership. The Individualist—who is often also an evolutionist—sees only one true system. The free and open market is the one system that does most justice amongst individuals, being the only impartial institution that exists, and at the same time is the only system that gives the evolutionary forces free play. As regards the individual, he who most desires land, and makes most sacrifices to get it, and is most fitted to manage it, gets it and keeps it under this system ; whilst as regards the future, it is the only system which allows new conditions to arise freely and without violence. If the new circumstances lend themselves to peasant proprietorship, peasant proprietorship will come into existence ; if to co-operative holding of land, then co-operative holding of land will arise. Whoever destroys the free and open market in land or in any other matter, proclaims himself wiser than his unborn fellow-men, a sort of infallible prophet about the wants of the world, and calmly refuses to believe that men would know their own wants better than he does, and fulfil them better. He does his little best to stand in the path of the evolutionary forces—forces, which eventually will have their way, whatever may be the obstacles momentarily opposed to

them, and whoever it may be, individuals or nations, that they may crush in doing so.

I scarcely need add that at present we have not a truly free and open market for land. All artificial impediments should be removed, and no new ones invented. At the same time, all compulsory burdens should be got off the land. Tithes should be redeemed on easy terms; and all rates and taxes made voluntary. It is these burdens that prevent the small man buying land. They are a constant terror to him. As happens in so many other cases, it is the State itself which causes the special mischief, which it then tries to remedy in some awkward, ungainly, and mischievous way of its own.

II.—BY SYDNEY OLIVIER.
SECRETARY OF THE FABIAN SOCIETY.

THE contributor to such a discussion as the "Symposium on the Land Question," opened by Mr. Auberon Herbert, is always under strong temptation to aim at continuity in the treatment of the subject, by criticising his precursors' views and exhibiting his own in the form of counter-arguments. But this course is only profitable when there is fundamental agreement as to the method of reasoning which will be accepted as appropriate and cogent. Now, although a Socialist, writing for a journal professedly "Individualist," must naturally feel some doubt of his commanding entire agreement as to the most fruitful method of investigating "the ethical basis of rights of property;" he may, perhaps, take it for granted that most of those who have devoted any attention to sociology as a positive science would reject, as entirely unprofitable and unreliable, the whole of the argument of the first column and a half of Mr. Herbert's article. The assertion that no satisfactory conclusion either for, or against, any particular form, or limitation, of private property, can be arrived at by *a priori* deductions from notions of "abstract right," is sufficiently justified by the fact that, by precisely the same method, Mr. Herbert Spencer* arrives at a conclusion precisely the opposite of Mr. Auberon Herbert's, and demonstrates the iniquity of private property in land. Anyone who has ever exercised himself in the application of that method to sociology, or who has studied the amusing variety of the results of its application, from Pythagoras downwards, will be aware of its versatility, and would probably acknowledge not only, as does Mr. Herbert, that †"short of the Socialist position there seems very little *terra firma* for the land nationalizer," but that no claim of natural rights of private property of any kind can resist the solvent of judicious dialectic. That ultimate refuge of the Individualist, the right of a man over his own body and capacities (which is itself a large assumption, not necessarily admitted by Socialists) cannot be the foundation of rights of property

* "Social Statics," Chapter ix., and *passim*.

† See Fabian Tract, No. 7. "Land and Capital." Freethought Publishing Co., 63, Fleet Street, E.C.

over external things whose prior material existence was a condition of the possibility of his using and modifying them. The method, we repeat, is barren, and we may leave Mr. Herbert's arguments therein to their own decay.

Turning to his "objections (to land nationalization) of a less theoretical character," we find that they are all presented as deductions from what "the Individualist" likes or dislikes, or from some "system of individual rights," which is perhaps common ground for Mr. Herbert and our editor, but which cannot be claimed as universally familiar and acknowledged. But the method is still entirely deductive. For instance, "the Individualist has a strong aversion from taxes." So have a great many other people, on grounds entirely discreditable and unworthy of free individuals. "He believes that no yearly burdens should be compulsorily thrown on the individual." So thought J. J. Rousseau about his babies, and threw them on the streets. What we want to know is whether the social organization which necessitates the payment of taxes and the bearing of certain other burdens does or does not increase individual freedom in other respects to an extent which more than compensates. It is of no use to refer us to "the Individualist" when we are considering whether the Individualist is right or wrong in his judgment; or his prejudice, on a particular question of practical life. When Mr. Herbert does come down to this level, he tells us such tales as that "the individual who most desires land, . . . and is most fitted to manage it, gets it and keeps it under this system;" and though others of his arguments are somewhat more cogent, fuller light will probably be thrown on the Socialist case against private property in land by a brief re-statement of the whole position than by further examination of Mr. Herbert's hypothetical objections.

Avoiding, as of doubtful profit, any attempt to deduce a theory of property rights from any postulate as to the fundamental rights of individuals or societies, we are left free to criticise them (1) statically regarded, in respect of their utility, and (2) historically, by examination of their origin and course of development. It is, perhaps, not necessary to protest against the assumption, sometimes made, that there is a fundamental difference between Individualists and Socialists, and that he who adopts the former name must necessarily advocate the utmost possible sub-division in the ownership and administration of material riches. No Individualist, it may be assumed, actually identifies personality with personality, or believes that a man's life consists in the abundance of the things that he has. He regards freedom

of self-development as the *summum bonum* for every man, material riches as part of the indispensable furniture of the conditions of freedom, and the institution of private property in certain forms of riches as a useful arrangement for ensuring to each individual the undisturbed command of more or less of such furniture. Every Individualist is in practice a Communist in respect of his command of much of his material commodities : there is natural Communism in all such advantages as cannot be monopolised or made subject to private ownership ; there is State Communism in roads, bridges, national defence, which most Individualists approve, and in an increasing number of other advantages which they approve more or less, according to the austerity of their Individualist faith. Now, the institution of private property in things which can be monopolised implies the existence of the State as a condition of its maintenance and defence. Private property in any developed society implies a judicial system and a police to define and protect it. That is to say, as soon as the transition from natural Communism to private property begins, the transition from natural Communism to State Communism, *i.e.*, to the common enjoyment of material advantages guaranteed by institutions resting on social consent and co-operation, begins concurrently. The Individualist, nowadays, is up to his waist in Socialism as a mere condition of finding standing ground at all. The actual controversy between him and the Socialist is now engaged about the question, " what further adjustment of property form in modern industrial societies will best guarantee conditions of equal freedom to all citizens ? " It is a question purely of utility, and is not to be answered except by consideration of practical advantages. It is no use for Mr. Herbert to demonstrate the absurdity of majority rule, and the impossibility of public ownership of land (which, by the way, has been found possible in all parts of the world in all ages), so long as it remains the fact that the actual institutions of the State which are the guarantee of its private ownership have no support whatever except in the will of the majority, which will only be exercised to maintain such institutions as appear to conduce to the greatest happiness of the greatest number. The Socialist asserts that private property in land (*inter alia*) does not conduce to this end. Individualists sometimes tell him (in spite of Lord Bramwell's contradiction) that private property in land does not exist in England. This is a mere quibble, but it may be accepted, as more clearly defining the issue. Assuming then that private

ownership of land is only apparent and on sufferance, the Socialist contends that the private appropriation of *Rent* has a very real existence, and that it is socially mischievous. *Rent* is the effect of natural monopoly. Its nature and the laws determining its amount have been so thoroughly analysed by the economists that it may be assumed that there will be no serious dispute of the proposition that private landowning enables the proprietor to take from the persons occupied in productive industry upon any land an amount of the produce of their industry approximately equal in value to the advantages of that land as a field for industry over the worst land on which labour can obtain its normal competitive wages. The effect of landlordism is to equalise for agriculturists and miners the advantages of special qualities in the soil, to equalise for tradesmen the advantages of position for business purposes, &c. If the landlord does not exact the rack rent, the tenant of the favoured situation himself enjoys the advantage of his monopoly of position. Now these advantages are plainly not due to any activity of the tenant, far less of the landlord. They are due either to natural elements in the soil or to geographical position, and they are made valuable or profitable by the presence and development of society about them. The effect of the private appropriation of rent is to tax society of this joint product for the benefit of a few individuals. Where enormous prizes are drawn in this lottery of exploitation, as in the case of town lands, other people besides the economists are now beginning to see this. Not even the breaking up of these large properties, and a greater subdivision of ownership would remedy the evil. Individuals would still enjoy, to the exclusion of their fellows, the advantages of natural monopolies. Those advantages can only be distributed to the common advantage of the society to which they are due by the application of *Rent* to the provision of utilities which can be communally enjoyed, a principle which is recognised in practice by the rates already laid on rent for roads, lighting, sanitation, police, education, &c. We need not even assert that the facts that *Rent* is a social and not an individual product, and that it constitutes a toll in England of some two hundred millions annually,* paid by the workers to persons who render no service towards its production, give sufficient reason for its confiscation. We can meet the Individualist on common ground. He objects, says Mr. Herbert, to the payment of taxes. Well, here is a tax

* See Fabian Tract, No. 5. "Facts for Socialists." Freethought Publishing Co., 68, Fleet Street, E.C.

which he does not seem to know that he pays, but which we may all very reasonably object to paying. The question is, whether he prefers the system under which he pays both this tax of rent for his landlord's consumption, and his own taxes to the State for the advantages which the State guarantees, to one under which he would pay his rent for the provision of those advantages and be freed from all other taxation altogether?

Historically, private property has not originated in any metaphysical illumination as to the rights of the individual. It was founded simply on the power to get and keep ; it has been progressively extended and limited in accordance with the general convenience of such individuals as could make their power felt in social institutions. Private property in land superseded early Communism because of its obvious economic advantages for those who could share in the distribution. Private property in economic Rent is of no obvious advantage to anybody but the small minority who own large estates and who have a chance of a prize in the lottery of unearned increment. As soon as it is perceived that the communalisation of Rent, by increasing the real wages of the worker, and the enrolment in useful industry of a class now parasitic, will improve the environment of the average man, and thereby increase his freedom, so soon will the people, now able to make *their* power felt in social institutions, proceed to undo, in the interests of the greatest number, some of the legislative work that has been done in the interests of classes. No other principle can be found to direct legislation. Property law has always been the expression of the economic interests of the efficient members of society. Its moderating ethical principles have been chiefly the common precepts of justice among equals, teaching that each man must recognise for others the claims which he makes for himself, and that law should aim at establishing conditions under which equal good-will and industry will ensure an equal reward for citizens of the same status. Socialists would abolish the system by which one man may claim to be idle while others must work to support him ; they would equalise the reward of equal industry by communalising that Rent which represents the advantage of monopoly. They regard these as preliminary conditions for giving true Individualism a chance, and they have no respect whatever for the professed Individualist who regards the claim on himself, that he shall aid in maintaining such conditions, as a tax and a burden to be shirked, while he claims State protection for the private property which only the State has enabled him to get.

III.—BY ROBERT SCOTT MOFFAT.

MR. AUBERON HERBERT has adequately shown the crassity of the notion that land can be inalienable common property, and that individuals may take from it whatsoever they please, and make it private property. I shall leave in his able hands the defence of private property, premising only that the right of property, whether in land or in other things, rests, in my opinion, primarily on the instinct of each individual to appropriate whatsoever he finds useful to him; and shall deal in the brief space allotted to me with the utility of private property, upon which my view may possibly be somewhat divergent from his.

In approaching the theme I find myself face to face with prejudices which have been fostered by generations of economical writers. I have to complain, in particular, that the leading English school of Political Economy, that of Adam Smith, has done great injustice to the institution of private property in land. Adam Smith himself speaks of it sneeringly in this wise : "As soon as the land of any country has all become private property, the landlords, like all other men, love to reap where they have never sowed, and demand a rent even for its natural produce."—Book I., chap. 6 ; see also chap. 11. Ricardo's theory of rent is based on the assumption that the landlord, as such, is a mere rent-receiver, and has no active function in the organization of industry ; and on this theory John Stuart Mill has found a basis for his theory of the unearned increment, and Mr. Henry George for his theory of Land Nationalization. In the scheme of throwing all taxes upon land, Mr. George was preceded in this country by John Locke, the philosopher ; in France, by Quesnay and his followers ; and here, again, by Dr. Chalmers ; but the first two of these not knowing, and the last not believing in, the theory of Ricardo, did not imagine that this was a "Land Gospel." They advocated putting all taxes directly on land, because they held that land *paid them all already*.

Adam Smith is the less excusable in his treatment of property in land, because he had before him the work of Quesnay, who clearly shows that property, in land, which is the source of all other material property, is the physical

basis of individual liberty, and consequently of marriage and of civilized society. Had land ever been inalienable common property, no private property in any material thing could ever have existed, and community of goods necessarily excludes individual responsibility, and would transfer the charge of children from parents to the State. This is a fundamental, and also a transcendent utility of private property.

To show the utility of the landlord as a functionary of the industrial organization, it is necessary to get rid of the notions instilled by Ricardo's theory of rent. Ricardo defines Rent as "that portion of the produce of the earth which is paid to the landlord for the use of the original and indestructible powers of the soil." Rent, according to him, again, is the surplus earned under any circumstances superior to the most unfavourable "under which the quantity of produce required renders it necessary to carry on the production." Land of this last class, according to him, pays no rent, but it pays a profit; and the profit on this class of land determines all other profits, consequently the profit prevailing at any given time is an equal, or uniform rate; therefore "the laws which regulate the progress of rent are widely different from those which regulate the progress of profits, and seldom operate in the same direction."

These two definitions do not agree with each other. They are both fictions, and the inference drawn from them in the last sentence quoted is false. The land, to begin with, has no indestructible powers. It is capable of being improved or deteriorated by use, and the tenant acquires the use of it as it is. No rent is paid for the use of the original powers of the soil. Rent is always paid for the use of the land as it is, improved or unimproved. Both definitions assume that rent accrues without the performance of any function whereby it is earned. This also is a fiction. The man who hires land does not become its owner. The landlord retains his ownership, and it is for performing the functions of ownership that he receives Rent. What are the functions of ownership? First, to guard the land against intrusion, and to maintain the right of the owner or his representative to its fruits; secondly, to procure and maintain tenants capable of cultivating it to advantage; thirdly, to maintain or improve the condition of the land, whether directly, or by agreement with the tenants. Finally, Ricardo's distinctive law of Rent is also a fiction. Ricardo speaks of the "land last entered upon," or as he more significantly says in the passage quoted above, the least favourable land "rendered necessary" to raise the "produce required," as determining both rent and

profit. I have repeatedly asked, Is the land last entered upon all of the same value, if not, which part of it determines Rent and Profit? The only answer we get to this question from Ricardo is that it is the land rendered necessary to raise the produce required. But by whom is this produce required? Not by the producers, but by the population generally. Now no demand of the population, whether of landlords or of labourers, for produce, however urgent, will cause it to be produced unless the demand raises the price so as to give a profit to the producers in proportion to the demand. Yet Ricardo holds that with the increase of this demand, as production is forced on to poorer land, profit of production, not only on that land, but on all produce declines, while rent, absorbing the entire margin above this reduced profit, continually increases.

It is not true that there is a fixed rate of profit, or that all profit is determined by the profit on a certain class of land. It is not true that production is forced on directly by the wants of the people. It is forced on by the speculation of producers, seeking to realise a profit from these wants. Nor, although the stimulus will decline as profit grows inadequate, is there any such fixed standard of profit as Ricardo sets up. Land is often cultivated at a loss, and all other production is carried on at a loss, because producers are not upon an equality, and new comers have to make sacrifices to attain a paying level. It is advantage of circumstance and position that determines profit as well as rent; and the graduation of such advantages is quite as great in the one case as in the other. Wages also are differentiated by skill, strength, or fertility, reputation, situation, and other conditions, and if they were not usually advanced by the Capitalist they would share in the positive losses of rent and profit. There is, therefore, no foundation for the distinction which Ricardo draws between the nature and laws of Rent and Profit. Rent, Profit and Wages are all determined by one law, commonly called the law of Supply and Demand, which has been disintegrated and degraded by the theories of Ricardo and John Stuart Mill. The true theory of Rent is that the aggregate surplus over cost of the produce of land is divided between the landlord and farmer according to the demand on either side for the co-operation of the other, modified, as in all cases of bargain-making, by the respective knowledge of the market of the parties concerned, and their respective keenness in making bargains. The profit of the farmer of the good land is not determined by the profit of the farmer of bad land. The owner of good

land wants a highly skilled tenant, and he pays for him accordingly. The owner of bad land cannot afford to do so, unless he is prepared to incur a heavy loss. Therefore the profit of the cultivator, like that of every other earner of profit, depends on his rank, skill, reputation, and other opportunities.

I regret that, as I have barely left myself space to state in the most general terms the advantages of the system of separate ownership, I must pass over the interesting speculations suggested by the theories of J. S. Mill and Henry George.

The uniform course of industrial progress has been towards the separation of functions and the increase in the scale of production. This has everywhere increased the productiveness of industry; but, the advocates of peasant proprietary say that land is an exception to this rule. They do not, indeed, venture to affirm that cultivation on the small scale is equally productive, relatively to the quantity of labour employed, with production on the large. Their contention is that the "magic of proprietorship" causes men to work with an energy which hired labour does not inspire, and therefore they advocate peasant-proprietorship as a means of doing away with hired labour. But in this contention they condemn themselves. It is not less degrading for men to be enslaved by their own avarice than by the avarice of others; therefore, the economic measure of productiveness of industry is simply the labour it costs. Moreover, these advocates forget that, according to their own testimony, the abnormal exertions they so much admire are inspired by the motive of acquiring more property. The peasant-proprietor has no objection to hired labour, except his inability to hire it.

If land, then, is to be cultivated on the large scale, it would obviously lessen the liberty of the owner to get it cultivated to the best advantage, if he were compelled to cultivate it himself. He may be old, or inefficient, or unskilled. It is also for the advantage of cultivation that the owner should act through an agent. The owner may not be a skilled estate manager; but almost any one can find a man of skill to take that, or any other post. Thus the land being left free to the owner to do with as he pleases, naturally gravitates into the best hands.

The interest of the public generally in the cultivation of the land is singularly mistaken by popular sentiment. It is thought that the landlord gets a great deal of money for doing very little work, and that if he is strict in exacting rents, he is a most unconscionable character, and worthy of general reprobation. Now rent is determined by a natural economical

law, which is not confined to land, but pervades all industry, that each function is rewarded not according to the exertion it costs, but according to its economical value in relation to the joint result, as affected by time and circumstances. Moreover rent is the natural capital for the improvement of the land. The aggregate of rent undoubtedly grows with the growth of population; but not necessarily more than the aggregate of profit and wages. Mr. George makes an ingenious use, in relation to this question, of the abstractions into which, after the method of Ricardo, he divides the proceeds of production. But the proceeds of production are not exhausted by the abstractions either of Ricardo, or of Mr. George; but only by Rent, Profit and Wages, direct and indirect, in their most concrete—which, in the case of all of them, is a highly differentiated—form. They include, in respect to Profit and Wages, the gains of speculators, which Mr. George serenely dismisses as “Spurious Capital;” the wages of skilled artisans and professionals, including, among others, the salaries of Lord Chancellors, Archbishops, Opera Singers, &c. No grander delusion ever entered the mind of man than that Land is a “natural monopoly,” and that Capital and Labour are not so. Land, Capital and Labour are all monopolies when they, or any portions of them, are scarce. And there is nothing more natural in any one of these monopolies than in either of the others. Nothing can make rent excessive but excess of population, and the excess of rent is then due to the high cost of food, which would exist in the same circumstances under any form of cultivation.

A large proportion of the population must live apart from the land, and the more productive the land is, the larger will this proportion be. To this section the division of profits between landlords and farmers is of no concern, except as it affects the productiveness of agriculture; and it is well known that laxity in exacting rent encourages laxity in cultivation. Agricultural labourers have only the same concern as the general public in this division of profits, and the farmers themselves are protected by the need of their services.

From these considerations it will appear that the true direction of Land Reform is to increase the liberty and security of owners, precisely the opposite direction to that of our recent legislation.

IV.—BY LIEUT.-COL. W. L. R. SCOTT.

IN answer to Mr. Auberon Herbert's remarks, I would urge—

That some land, "as an abstract matter of right," as well "as a matter of practical convenience," is now and always has been "treated as the common property of the nation." I refer to the roads, and also to the land between high and low water-marks where there are tides, which is absolutely, or to a great extent, common property.

If we are to wait until the whole nation "minus nobody" can decide upon the use of anything, we shall never come to a decision, for the sick, prisoners, and many others, can never be heard on any question; and, even if all duly qualified persons could settle a question, their decision could not be considered as binding for more than the day—after that there would arise other persons duly qualified to demand a modification of that settlement.

I agree generally with the paragraph beginning "If it" (the land) "belong to the whole nation," &c. At the same time, I cannot see how the whole nation "minus nobody" can decide anything, for the reason above stated.

Mr. Herbert says, "This is not to be looked upon as a mere argument used for dialectical purposes," but what that means in this case I do not clearly understand. I suppose, however, that in so saying he may desire (for one thing) to anticipate the remark that what immediately follows in his article would lead one to infer that there are no such things as rights at all.

I cannot think that any one claims "that the land belongs to the majority," and I have therefore nothing to say in reply to Mr. Herbert's proposition to that effect.

As far as I can judge, the truth is that no one proposes that the majority should, in consequence of the land belonging to the whole people of inherent natural right, proceed to tax every person who holds it, but what I understand, "Mr. George and those who go with him" to urge, is that the land is the property of the people and produces everything, and that therefore the simplest way to obtain what may be necessary for carrying on the government is to tax the land

through its occupiers, who may be either a majority or a minority of the people, each one who occupies land doing so voluntarily. If the land were acknowledged as public property, the right of each member of the community in it would still be inherent in him, and that right would not "be taken from him and converted into something else without his consent," each having an equal right (periodically) with the rest of the nation to claim a share of the land for his own use.

Mr. Herbert further says "a right by the very term used is a thing which inherently belongs to the person concerned," then how can "Mr. George and those who go with him" build up a right in any one? But however this may be, I feel sure that Mr. George and those who think with him do not wish to gain any "admission," or "to ignore their own handiwork;" and I trust that others do not intentionally misrepresent their views in order the more easily to establish their own. He says further: "assume this right of the people to the land, and the question has to be answered what people to what land?" The answer, I imagine, would be, any of the people to that land which they chose to pay for.

There would be the choice between "unfavourable districts" with low taxation, or rather with low bids for them, and "attractive spots" at enhanced rates as at present; for the land being let to the highest bidder, its value would be rightly appraised by the hirers, and there would be no compulsion on any to live in a particular district. It seems to me that the Russian and Chinese land questions have little to do with us, and should such questions arise in the future, no doubt our descendants will deal more wisely with them than we seem to be able to do with our own land question. Probably Mr. Herbert's Individualist friends "abandon private property in land," because land is a gift of nature and not a product of industry, and claim private property in flour, because flour is not a gift of nature, but the result of industry.

Like "a field," neither air nor water is "an abstract entity," but each contains "certain valuable materials;" yet air and water are not, speaking broadly, private property, and all freely consume them. We do not allow anyone to take away our air, so to speak, in cart loads; in other words we do not let our neighbours deprive the air of its molecules further than may be convenient to the community, and whether I may be "a clever chemist" or not, I shall not be permitted to draw all the good out of the air either by contaminating it or in any other way. So with the water. Of

course a private trespass may be made on light, air, or water; *i.e.*, each owner has a right to prevent *his* light, air, or water being obstructed, but this fact seems only to prove that these natural gifts are property to be used by the public freely, but not to be abused to the injury of any.

As part of the land is public property; as that part of the sea which is near the land is claimed and acknowledged as public property; and as all air is public property, so far that all may use but not abuse it; perhaps Mr. Herbert will tell us why these gifts of nature are so differently dealt with as regards ownership? If it is necessary, as Mr. Herbert argues, that land should be private property, why should it not be equally necessary for the public good that all other gifts of nature should likewise be private property? But as some land, most of the water, and all the air are public property, one may be excused if one doubts whether Mr. Herbert's argument on the land question is conclusive. It is no reply to the proposition that "any other gift of nature should be private property if it is good that one of them, land, should be so," to say that we cannot make air, and it would be difficult to make water, private property. Such a reply would only be an acknowledgment that we have the power of making land private property, and, therefore, it is good to make it so, which is another form of the sentiment "might is right;" at least most people would suspect such a reason for such an opinion, and everybody would be doubtful whether the power to make land private property had not biased the judgment of those who made it so in the belief that they were thus guilty of no immoral act.

"We are, therefore, in this strange perplexity." Mr. Herbert seems to mention air and water only to exclude them from the possibility of becoming subject to a claim of private right. But why? The sea produces food; nothing could live without the "valuable materials" in the air; and why should it not be right and good for the community that they should be private property if it is better than land, a gift of nature as they are, should be private property? I, X. Y., "cannot possibly own" molecules as long as they are in either the air or the water, but, "by some metaphysical hocus pocus, I become their rightful owner as soon as I can draw them" therefrom. I fancy that however clever a chemist I might be, the public would not allow me to monopolize the "molecules" of the air as the private owner of land can monopolize those of the land. It seems to me that there is very little *terra firma* for the land *de-nationalizer*.

Mr. Herbert asks, if the land is let to the highest bidder, "for how many years is it to be let?" That, it seems to me, is a detail; at any rate, it might be let (if only by way of experiment) for a specific term, according to the option of the hirer, *e.g.*, for his life if he so desired, and at a rent fixed from time to time according to other biddings for land in the neighbourhood of his plot. In other words, the State should not be at liberty to take it from the hirer without his consent, or at least without paying for improvements and compensation for disturbance whilst he lived and paid the dues in respect of his share.

Mr. Herbert asks, "How are improvements to be valued?" I should reply, as they are now valued. A man who died would be "turned out" by nature, and not by the State.

Mr. Herbert seems to be anxious about the poor, and those advanced in life. A man advanced in life *now* makes all his purchases and investments in the hope that he may enjoy them in the future, or recoup himself in some way for his outlay, whether his mode of investment be a payment down, or so much a year, or otherwise. I do not see how the fact of the land becoming public property could injure such a man financially. The poor man could not possibly lose his outlay through fraud or incapacity if the State were the landowner instead of the individual. Mr. Herbert seems to think that the poor man's money would be safer if he was dealing with an individual for land than if he should deal with the State. The fact of the land being public property need not deprive anyone of a life interest in it, and I fail to see why any period more extended than that should be provided for.

Mr. Herbert says it is (and it may be) "a violent thing to take the land," and "a yet more violent thing not to pay its full value;" but the most violent thing of all, as it appears to me, is for an individual to claim as his what was the property of all until it was confiscated for the few by kings or chiefs, when the people were ignorant and weak, and at the mercy of the more intelligent. I deny that it would be dishonest to take back the land which was so taken by force or fraud, at any rate whilst the rightful owners (the people) are living; and it would be perfectly just, in my opinion, to do so when there can be no doubt as to the fraudulent holding of the present owners, as is the case where land originally granted by the Crown is still in the possession of the descendants of those who received the grant. The receivers must be held to have known that the Crown had no right to give the land away. The Crown in such cases

being the representative of the people, it cannot be supposed that the latter assented to the gift of such land to anyone. The people would not have been such fools as to assent to such an arrangement ; and even if it be assumed that they would have consented to gifts of land, it is quite impossible that they would have exercised so little discrimination as to consent to make their property over to the worthless favourites or mistresses of their kings, or to the descendants of such.

Mr. Herbert says, further, "The Individualist hates exceptions ;" but some exceptions he must accept, such as free air and free light (gifts of nature). Why should not all gifts of nature, including land, be exceptions ? Flour is not an exception, because, as I said before, it is not a gift of nature, but the product of man by his industry.

I fear that Mr. Herbert's dream of " a free and open market for land " will not be realized whilst land remains private property ; for the individuals who own it will prevent the " free and open market " for their property, and justly so, in my opinion, if they are the rightful owners. The chief impediment to " the free and open market for land," I should say, is the private owner.

In conclusion, I would remark that the land was made private property probably by a minority of the people ; therefore no wrong will have been done when the same land again becomes public property by the act of the majority or of the whole nation ; to say nothing of its being quite as just for a minority to restore it to its original state as public property, as for a minority to have made it private property. Anyhow, the whole nation, or a majority or a minority of the nation made the land private property in the first instance, and consequently the right of the present private owners of land to it is not " inherent in them." Mr. Herbert's definition of a right is, "a thing which inherently belongs to the person concerned." If therefore private owners of land obtained it by inheritance or purchase from those who had no " inherent " right to it, because it was to them or their ancestors a gift of the Crown, or of the nation, or of a part of the nation, the right to hold it never was and never can be (according to Mr. Herbert's definition of a right) " inherent " in such private owners. The " inherent " right of ownership must be in the original holders (the people) and inseparable from them by any " metaphysical hocus pocus."

V.—HENRY W. LEY.

LATE HON. SEC. OF THE LAND NATIONALIZATION
SOCIETY.

TO commence a reply to Mr. Herbert with complete assent to his proposition looks like a contradiction. Seeing, however, that he finds in "land common property" the alternative to private property in it, and thinks there is "very little *terra firma* for the Land-Nationalizer short of the Socialist position," it will be to reply to him, to set forth, as Land-Nationalizer and not Socialist (at any rate as defined by Mr. Herbert), what I take to be the sound land-nationalization position. The term "Land-Nationalizer" and its congeners I accept for want of better, but do not approve them.

Defining land as meaning not only the soil, but as including all natural forces and conditions, the standing-ground of the Land-Nationalizer, so far from being land-common-property, is (1) that land is not property at all, either common or individual; and more, that it never can become property; (2) that the individual heritage of man, in other words, what man, the individual, has abstract right to, is—(a) place-to-be-in on and (b) *use* of land, (because man cannot otherwise exist); and (3) that the common heritage of man is (a) that which of Nature exists *in* the land; (b) that which, irrespective of man, comes of natural forces; and (c) the value that accrues to land by increase of population and general industry.

To this statement of the Land-Nationalizer's position, it is only requisite, in respect of individual right, to add, that, in a community, its exercise is necessarily bounded by equality of right in all the members of the community; to quote a motto of this *Journal*, "either all persons have equal rights or none has any"; and, in respect of the common heritage, (1) that what exists of Nature *in* the land, and what, irrespective of man, comes of natural forces, may be disposed of, at the option of the nation on terms and conditions that are just to the living and the unborn; and (2) that the value accruing to land by increase of population and general industry may not be disposed of, but is untransferable. In regard to what is the common heritage, in other words,

"belongs to the whole nation," question of abstract or natural right does not arise. The common property of the nation is common property, merely because, belonging no more to one individual than to another, it belongs to all.

For convenience of reference to Mr. Herbert's paper, and to as much as possible avoid quotation, I number its paragraphs; 1 being his proposition, 2 commencing with the words "The land," and so on up to 18, the last paragraph. The numbers that appear in brackets in the remarks that now follow are reference numbers to his paragraphs.

How does Mr. Herbert's "majority" difficulty (2—7) stand in relation to the doctrine of man's individual right of only use of land but not of property in it? If a community consists of but a single individual the difficulty does not arise. In this case, the right of use, in exercise, finds its limits in the individual's powers. And we may quite assume that this means he can only use a portion of the land.

But suppose a new comer, and that the nation consists of *two* individuals. Illustration of the limits of the abstract right may now be seen in that the two individuals cannot at one and the same time both have the same place-to-be-in, use the same land, or resort for water to the same spring. If the natural right, instead of being that of use had been that of property, then, the land having become already the property of the first comer, in order that the second comer shall have any land at all, and the land belong to the whole now-existing nation, the first comer will have to agree to modify his rights (8). The first comer might be the stronger; in which event his right would be like to that of a majority (8), and having taken possession of the whole land, he might refuse to make any arrangement in modification of his right to be sanctioned by the two of them (8), under which circumstances the second settler would become perforce the vassal of the first, and have no rights except such as the first conceded to him. Number one might say to number two,— "Had you been contemporary with me here, then we two and not I alone should have been the nation, and the land would have been our common property. As things did happen, it was I who was first squatter, and by virtue of my natural right as then having alone constituted the nation, the land belongs to me. But I will do this; I will 'let' you a portion of my land and you shall pay me 'rent' for it. Or, as I think the free and open market is the only impartial institution that can exist (17), I will *sell* you a bit of my land. I am under no necessity to either let you or sell you any of my land, because, having the land, I can live. You on the

contrary needs must rent or buy of me, or you will die. As however I love the impartiality of ‘heads I win, tails you lose,’ I institute, for your sake, the ‘free and open’ market.” But the abstract right of the first comer being only that of use and not of possession, and as the first comer can but use what he can use, there is plenty of room for exercise of right of use by the second comer, if he chooses to exercise it. It is quite supposable, however, that the second comer may take up his heritage merely as far as he cannot help doing, that is, for place-to-be-in, and instead of using land distinct from that of the first comer, may prefer,—“ seeking his own happiness in the way that seems good to himself ” (Kant, quoted in March *Journal*), and number one, who is doing the same, as husbandman say, and so doing being nothing loth, (evolution (17)),—to aid number one to obtain a larger produce, sharing that produce as equivalent for labour contributed.

Now consider a larger nation, of 100,000 persons (8). The abstract $\frac{1}{100,000}$ th right of A. (7), will now, in exercise, be closely circumscribed; but it remains. And no matter how large a nation may be, the abstract right never comes for confirmation either to a majority of the nation, or to “the whole nation minus nobody” (2). So far as the nation is concerned, it is simply that the right exists and has to be provided for. Nor do “imaginary geographical boundaries limit the right” (8), for “the philosophy of the fragment is the philosophy of the whole,” (as yet, alas, even the fragment waits for the philosophy in realisation). When, as regards the future (philosophy may suppose this), the globe becomes so crowded that A.’s $\frac{1}{n^{th}}$ right of use of land is so circumscribed that he cannot continue his existence by means of it, then, the evolutionary forces having free play (17), whatever the new circumstances lend themselves to will arise freely and without violence, and if the new conditions lend themselves to the co-operative working of land, on no matter what scale, then co-operative working of land will come about. This is the one system, and not the free and open market claimed by Mr. Herbert as being the only impartial institution that exists, that does most justice amongst individuals. The free and open market in land has no analogy at all with other free and open market, for when and how, philosophically, did land first come into the market, a marketable commodity? How, by violence (“it is a violent thing to take the land,” says Mr. Herbert (16)), it became merchandise has just above been explained. And where is the impartiality as an institution, of the free and open market

in land, when one man must buy and the other need not sell? It is the advocate of the free and open market in land, and not its opponent, who does his little best to stand in the path of the evolutionary forces (17), who "proclaims himself wiser than his unborn fellow-men, a sort of infallible prophet about the wants of the world, and calmly refuses to believe that men would know their own wants better than he does, and fulfil them better." Precisely with the recognition of individual right of use of land is it, that, (to more fully give the editorial quotation from Kant referred to) "every one may seek his own happiness in the way that seems good to himself, provided that he infringe not such freedom of others to strive after a similar end as is consistent with the freedom of all."

The Land-Nationalization non-Socialistic position as to abstract right is then this,—that what belongs to man of natural right is that upon which, primarily, the continuation of his existence depends, namely, place-to-be-in on and use of land; and this is the natural right of the community; of the single individual when the community is of one, and of the community, as individuals, when the community consists of more than one. As the land *belongs* to nobody, Mr. Herbert's proposition becomes a mere truism. There is no "the land must remain free and open to all" (8) because of rights of property in it. No matter whether the nation is of one or of 100,001, the abstract right appertains to each and all. Natural conditions may make the use of field X more desirable than that of field Y; but rights of use admit of equalisation (not commutation (7)), and can be equalised, absolutely or approximately, without running counter to philosophy, in the acceptance, by the whole of the nation, of the decision of a part as the decision of the whole.

In respect of the portion of "what belongs to the whole nation" that I have laid down may be disposed of, I think Mr. Herbert would not suggest the "majority" difficulty, as there is not here any question of procedure as to natural or abstract right. Still, as the matter is of property of "the whole nation," even if we suppose that, philosophically, decision as to disposal of it could not possibly be made because "a majority is not the whole nation" (2), how are we advanced? At philosophy we cannot stop; to do so is to starve with food before us, because there is no clergyman to say grace. And even though, on occasion, we do mischief in treating the majority as the nation, we are compelled thus to become practical. Philosophically, the relation

of the circumference of a circle to its diameter is incommensurable; in practice very excellent results follow from taking that relation to be even so far off truth as three to one.

Proceeding further with Mr. Herbert's paper. I am in agreement with him as to the absence of logic in Mr. Henry George's "tax," (7). Elaborately arriving at land "common" property, Mr. George's "remedy" leaves it *private* property, to be "bought, sold, bequeathed, and devised." The remedy, instead of sweeping away the evils of private property in land, intensifies them.

That which exists of Nature *in* the land being common property and transferable, the community may demand of a field-user an equivalent for such part of the field as is embodied in a crop (10), or may decide not to interfere with such embodiment. Either way, the very same molecules of potash, phosphorus, &c., that were national property yesterday, may be changed into private property to day (11), and A. B., in very deed; may, by purchase from, or allowance of, the community, become their rightful owner. But A. B. would not be within his rights if he took a horse and cart and carried off a cartload of soil (11); for it is only the use of the soil that is his right, and what he extracts from the soil by the aid of natural forces put into operation by his agency. Suppose there is a tree in the field before its occupation by A. B. The community may consider it advisable to raise no objection to its appropriation by A. B., or, if they think proper, may demand equivalent for it. Initiating the operation of natural forces, A. B. may himself grow trees and rear sheep. And the reason why leg of mutton, coat (or, rather, wool), and oak beam (16), are A. B.'s private property, while the land from which they have come is not, is that no forces put into operation by man produced the land, but the forces of which came mutton, wool, and beam, were set in action by A. B.

"The Individualist objects to great Governmental departments, to things managed by official inspection, to interferences with freedom of contract, &c., which things would be the almost necessary results of land ownership by the State," (12), Mr. Herbert says. And in the same paragraph he raises other objections to such land ownership. Is there any force in these objections from the position I have taken up? The field in use by A. B., he can either improve, say by drainage and barns, or he can work till it will yield no more (10); which will he do? Not the latter, certainly,

because, in the long run, he does not thus gratify his desires with the least exertion. On the other hand, if he improves the field he gives to it additional value, which is his individual property. This property of his, which I will term *tenant-right*, he can give away, sell, bequeath, or devise, and the ownership of it will entitle the possessor to occupy, *of right*, the field to which it appertains, subject merely to any impost sanctioned by the community in their equalisation of rights of use. This is the idea propounded by Mr. Alfred Russel Wallace in an article by him in the *Contemporary Review* of November, 1880; and is there not perfect freedom of contract here? Is there not also entire absence of Government management, inspection, or interference? Further, the evolutionary forces have free play, and new conditions could arise freely and without violence (17). Would sub-letting again exhibit itself? Yes, if the new circumstances lent themselves to it. But as the State would look to the owner of the tenant-right of a plot of land for tribute due, and give no legal recovery against a sub-tenant, I am quite prepared, as a Land Nationalizer, to leave sub-letting to—the free play of the evolutionary forces.

But, although we are on the way, the Individualist's idea that the individual's prosperity is that of his being a free man, with the minimum of artificial restraints and of compulsory obligations (16), is by no means yet realised. Not only must man be independent of his fellow-man for use of land, but he must also be independent of him for place-to-be-in. A. B., having right of occupation and use of a plot of land, as also of occupation and use of the space (place-to-be-in) above it, (it is impossible for me here to explain my unphilosophical usage of words, or talking of space as an entity; please tolerate), *must have no right of property in that space*. Nor soil nor space come of the labour of man. Space is a natural condition; it is to space, first of all, that man is co-related to the universe. The definition I have given of land includes both soil and space; nevertheless, land, the soil, is not space, the natural condition, and to ignore the distinction is to bid philosophy good-bye. Mr. Wallace's discovery of the solution of the land (soil) -tenure question in the disengaging of tenant-right from other value in a plot, and making tenant-right ownership the title to occupation, points the way as plainly as can be to the solution of the space question. It works out thus:—

As with the soil-land, so with space-land, its value is in its use. If A. B., owning the tenant-right of a plot of

ground, in London, suppose, builds upon it a house, and lets to me a room (garret, say), in that house, then he is making—not use of space, but property of it; by levying tribute on *my* using it. What is a room? It is a volume of space enclosed; and the value of it, to me, is in the space, which A. B. is not using, but I am. As to the enclosing materials, which, having been set up by A. B., belong to him, why cannot I buy them as I do any other manufactured article that I need? The sheltering boundaries of the garret-space constitute its tenant-right. That my garret-space (mine by mere form of speech), is in connection with the soil is not in point, and does not make soil of the space. The crank-shaft of the steam-engine is in connection with the cylinder, but it is not the cylinder. As with the tenant-right of a plot of land (soil), so with the tenant-right of a volume of space, *it must become the property of the user of the space, and its ownership must, against all comers, carry title to the use of the space.* Any system of soil-tenure under which A. B. can parcel-out and let the space above the plot he holds, puts into his hands the power to compel me to pay my whole life long for the walls, &c., that bound my garret, and yet never own them. Indeed, until the house begins to totter, though they are always being paid for, through half-a-dozen generations, may be, they always are the property of A. B. or his inheritors; and when, finally, the house has to be pulled down, another is erected on the spot, and the like round again begins. If A. B. makes for me a table, say, I pay him for it only once; if he asks continuous payment for it, I laugh at him, and get a table elsewhere. If the table-makers, all of them, conspire to demand for their tables continuous payment, I do without a table. But place-to-be-in, and space as a starting-ground for my livelihood, I must have in order to exist. For this reason it is that A. B. makes property of the space above the plot he holds; it gives him the power—he is gratifying his desires with the least exertion—to gratify them by exploiting *me*. To say, as do Mill and the rest, that what I pay A. B. is not rent, is absurd. How else than by making a property of space, is A. B., instead of living by his own toil, enabled to live by forcing me and others to go on paying him all our lives for his manufactured article—house? Were the rent I pay A. B. simply interest on capital, he could no more coerce me to pay continuous interest in respect of garret (and grin and bear it, though the water comes in) than he can coerce me to continuous interest in respect of table. If I go elsewhere than to A. B. for the space I need, I fare no better, for A. B. is but one in a “corner” who monopolise

all, for me, available space ; unless indeed it is to fare better to go where I am practically cut off from my means of livelihood.

I have supposed A. B. to hold the plot of ground by virtue of ownership of its tenant-right. If he were freeholder of it the state of affairs would be still worse for me. He is not now one of the space "corner" only, but he is one of the land (soil and space) "corner," and discrediting his space-property from his soil-property, he leases the former to C. D., who now builds the house, but himself tenaciously holds on to the soil. He holds on to the soil because it commands the space, and he can make his own terms with C. D. for permission to build the house on the soil. Where am I, the garret holder, now ? I am pillaged by C. D. ; but, as he is pillaged by A. B., he takes from me enough to pay over to A. B., and yet leave him, C. D., all possible surplus after he has satisfied A. B. This spoliation upon spoliation sometimes obtains even four-deep. Commencing with A. B. it is in turn taken up by C. D., E. F., and G. H. ; and I, the garret holder, pay them all. In fact, I am in slavery to these my owners, and what with their grinding my bones to make them bread, and the whip ever over me, ask myself doubtingly, if life is worth living. Uproot, as well in space-land as in soil-land, the right of property which makes man dependent on his individual fellow-man for permission to live, and all this is changed. With space conditioned for tenure according to the method I have indicated, the freedom of contract that starts in Mr. Wallace's system of soil-tenure perfects itself, at the same time entirely excluding Departmental management or interference. The owner of the tenant-right of a room would pay the local dues ; the community would know no other occupant. Hence, if a house-owner would, by sub-letting garret to me, live by my labour, he could not enforce the one-sided contract. With no possible making property of space, the finishing touch is given to the free man of the Individualists' idea. He could not now be exploited as to space ; he has right of use of soil and space ; able to help himself, he could "seek his own happiness in the way that seemed good to himself;" and "the most self-reliant liberty, the least of statutory restriction or compulsion" would find its full realisation.

What, under the circumstances existing at the present day, should be done in respect of man's abstract right of use of land ? In Mr. Wallace's *Land Nationalization, its Necessity and its Aims*, it is laid down that "Every Englishman should be allowed once in his life to select a plot of ground for

personal occupation." This right of free-selection was one of the leading features of the first Land Nationalization Society, the Society that existed from 1882 to 1887. and in the Programme of that Society it thus appears :—" It should be declared the right of every one, *once* in their lifetime, to choose a piece of agricultural land (say, not less than one, nor more than five acres) for personal occupation, on paying fair compensation to the occupier, and under such conditions and regulations as would minimise the inconvenience of such free-selection." It seems to me that in this practical shape effect might, under present day conditions, be wisely given to man's individual right of use of land.

To Mr. Herbert's " it is a violent thing to take the land " (16), I reply, it *was* a violent thing to take it ; and that to hold it is to continue the violence, just as in the case of a slave. In taking the land, all then-unborn generations were deprived of their means of existence. Does Mr. Herbert aver that the violent taking has given title ? If so, title can again be by violence obtained. The second comer of the two individuals I have above supposed to constitute the nation might have been the stronger, and made vassal of the first, as did the first of him. And to Mr. Herbert's, " it is a yet more violent thing not to pay its full value," I reply, that the most violent thing of all was the inexorable appropriation of this very value, in addition to the appropriation of the land itself. Too lazy themselves to use what they had fastened upon, the spoilers most graciously amerced outsiders for using it, and, as its value increased of outsiders' multiplication and industry, ever hungrily raked the addition in. It is absurd to talk of paying the landlords the full value of the land in nationalizing it. All that the landlords have right to is what is theirs *in equity*, and in annihilating the landlord function of the land all *equitable* claims of the landlords on the community must be respected and discharged. In appraising such claims no hard-and-fast rules can be laid down ; landlords are not of one genus, and each case must stand on its own merits. The case, for example, of the Duke of Bedford has very little, if anything, in common with that of the poor man who, to adopt for the moment Mr. Herbert's words, has " invested his savings in land " (14). And this equity is no respector of nations, and applies to Ireland (16), *exactly* as to other parts of Great Britain. No man has right to more than equity ; no man has his right with less.

The analogy drawn by Mr. Herbert between abuse of power by landowner and by flour merchant (17) does not

hold. With free access to land we are, after all, at the mercy of the flour-corner no more than one round of seasons; but we are at the mercy of the land-corner for ever. And surely Mr. Herbert is forgetting philosophy when he would prove that with increased opportunities of locomotion the hypothesis of the landlord not allowing any person to dwell on his land fades into comparative insignificance (17). Is now the philosophy of the fragment *not* the philosophy of the whole (8)? Geographical boundaries are imaginary (8) when we regard private property in land, as Mr. Herbert does Mr. George's tax (7), from the abstract or philosophical point of view, and the hypothesis will still have to do service (17). Land (soil or space)-lords do not empty their land of people, not because they could not do so did they choose, but because they have discovered the alchemy by which they can keep their own cake and live on other people's. Of the violent and aggressive use of their powers by the landlords (17), has come about, not the strengthening of the desire for freehold ownership, which Mr. Herbert thinks would be its outcome, but the determination to make a clean sweep of ownership. No increasing the number of freehold owners (14), will relieve the heavily-burthened nation. For, no matter to what extent landowners may be multiplied, there is no escape from this,—that the earth is always the lords', and the fulness thereof, and that tenants live always by landlords' forbearance, and are their tribute-paying slaves.

VI.—BY WORDSWORTH DONISTHORPE.

MR. AUBERON HERBERT'S defence of private property in land is based on one argument, which is, I humbly confess, utterly unintelligible to me. I can no more define Natural Rights than I can Abracadabra. I wish some one would bring in a Bill for the abolition and annihilation of capital letters. If I see ten men at one end of a rope pulling eleven men along at the other end, I say, Behold the minority pulling the majority. Then up steps a politician. "Excuse me," says he, "if you will kindly spell Majority with a big M, you will perceive that the ten men are the majority—the effective Majority, don't you know." This is all very puzzling to me. If Majority means those persons who wield the *force majeure*, then I admit at once that the Majority has a right to take over the land with or without compensation, and to melt down the landowners into oleomargarine. The Majority, like everybody else, has a right to do whatever it likes, subject to the will of a stronger power—call it the Law, or the State, or the Sovereign Power, or the Bigger Crowd. But there is no stronger power than the Majority with a big M, by hypothesis. *Ergo*, it has a right to do whatever it likes. In old English, the king can do no wrong. But if by *majority* we mean the greater number—the Plurisy, as Shakespeare punningly called it—then the statement may or may not be true. It is a question of fact to be solved by observation. If in a population of 100 persons on an island the 50 women and 20 babies voted one way, and the 80 men voted the other, I guess the laws of that island would square with the vote of the 30 men; and the rights of the citizens would be just what the minority chose to recognise.

At this point, up steps the moral philosopher. "Fetch out that big R," says he, "and you will find that the Rights of the citizen have a deeper and a firmer basis than the will of the effective majority." Here I retire. It may be so. I know the Fox and the Ass said the same thing when the Lion explained what his own share of the spoil was to be. And possibly they were correct,—metaphysically and transcendently and in-nubibus-ly,—but somehow what the Lion said turned out to be in accordance with *fact*; anything they said or thought to the contrary notwithstanding. It is

a terrible thing to be a slave to Fact ; but such is my lot, and I cannot help it. Such is my woodenness in this respect that I can almost hear the reply of Gulliver to some Lilliputian Jacobin on majority-rule ;—*La Majorité, c'est moi.*

Is there, then, no ethical basis for the rights of majorities ? Yes ; it has been lucidly stated by one of our most distinguished living judges : “ We count heads to save the trouble of breaking them.” Where the units are pretty evenly matched, it saves time and trouble and the sundry little inconveniences of civil war to accept the *fait* of the bigger crowd. It is a rough-and-ready arrangement, but, on the whole, it works better than fighting it out.

We are thus brought to the question of fact. Is the numerical majority in this country the effective majority ? In other words, Is the *force majeure* wielded by the Plurisy ? The answer is, Yes. It is a simple answer based on observation. We have beheaded and abolished our Charles' and Louis' and other Gullivers in these parts, and for us the “ common sense of most ” is law. It is not so in the poultry-yard ; it is not so in the public school ; but it is so in merry England ; and that is a political *fact*. We can strut around and crow about it, as we list ; or we can bewail it with gnashing of teeth. It matters not ; the fact remains.

The majority, then, has the right to take the land. But, would the majority be doing right to take the land ? Here we are confronted with a fresh ambiguity. In one sense of the term Right, as we have seen, and as Austin has pointed out, the question is vain. The will of the sovereign power is right. Henry Beauclerc had a right to gorge himself to death with lampreys—a right which he promptly and perhaps beneficially exercised. But the term is used in another sense. Those acts are right which conduce to the greater welfare of the agent. In this sense Henry did wrong. Similarly, if it can be shown that the majority would inflict injury on *itself* by taking the land, it has no right to take it. We are not concerned with the sufferings of the minority. That is no part of the argument. I say, if the majority can take the land (with or without compensation) with permanent advantage to itself, it has a right to do so ;—a legal right, of course, and a moral right also.

And first as to the wisdom of taking it without compensation. I fear the space you can spare me will not suffice for an analysis of this part of the subject. I believe there

are well-known works, to which I must refer, in which it is contended with some cogency, that on the whole thieving is not ultimately beneficial to the thief. Personally I incline to this view, without wishing to be too dogmatic. I may also refer to the experience of your readers,—which I trust is limited. And I do not see any good ground for supposing that majority-thieving of land would form an exception to the general rule. Mr. Ley, I observe, proposes to thieve in the garb of Equity. Here again I am out of my depth. Equity, with a big E, has no meaning for me. For choice I would rather be inequitably robbed by Dick Turpin than equitably robbed by the majority. I am injured by the former process, but by the latter I am both injured and insulted. Like a crown of thorns, it hurts and it is a mockery.

Let us pass at once to the question whether it would be a wise act on the part of the State (by whatever name known) to take the land by purchase and keep it. The experiment might be tried on a small scale first by the municipality of Little Pedlington. I will not ask how the late lamented Metropolitan Board of Works would have managed a county, because Mr. Ley “and those who go with him,” would think I was poking fun at them.

The price of agricultural land is considerably above its true commercial value by reason of sporting facilities, family associations, and county prestige. Now the municipality might let the fishing and the shooting, or the mayor and aldermen might do a little for the glory of the borough; but it could not let the prestige by the year. Consequently this element in the price would be absolutely thrown away,—sunk unproductively. Oddly enough too, landowners are willing to take less for the use of their land than even the State pays its creditors for use of money. How then is it going to get its money back in the shape of interest or rent? Is it going to raise the rents? But there are several objections to that; firstly, it is impossible; secondly,—but perhaps that will do. Is it going to invest money very productively in land which is now capital-starved by short-sighted and penny-wise landlords? But a free and open market would effect that. Capital flows into the most productive channels in every other industry; and it would do the same in agriculture, but for certain Socialistic obstacles. Aristocratic Socialism and democratic Socialism seem to have conspired to prevent capital from finding its way to the soil: and it is hard to say which has been most effective.

But why should I rack what does duty for my brain in order to discover some conceivable advantage in land-nationalization, when there are so many obliging "nationalizers" around ready and anxious to inform me? By the way, may I ask, *en passant*, whether every believer in public vaccination is a Public Vaccinator? Land-nationalizationist is, I admit, a plaguy long word, but then it denotes a long-headed people and a far-seeing policy. However, let me interrogate Col. Scott and Mr. Ley, and "those who go with them." We are not told whither they go, but they ought not to be long in reaching what I once heard a Finsbury Orator describe as the ultimate *gaol* of his ambition. The only reason for nationalizing the land put forward by Col. Scott is that it once belonged or does now really belong to "the people"—whoever they may be. But assuming that by "the people" is meant the plurisy, we must remember that there is such a thing as a *damnosa hereditas*. We have also heard of white elephants. And the question for us is *not* whether "the people" has a right to the land, but whether it would be wise to exercise that right. And to this question, Col. Scott gives positively no answer at all. "The inherent right of ownership," says Col. Scott, "must be in the original holders (the people), and inseparable from them by any metaphysical hocus-pocus." Very likely; I have no objection to its being vested in the Grand Lama, provided I have the use of it. Mr. Spurgeon once confided to a visitor who was admiring his flocks and his herds, his flowers and his furniture, that they all belonged to the Lord, and that he himself had only the use of them. He didn't seem to mind. But then he is not afflicted with property-lust. Apart from this aspect of the matter, is it not odd what stress some liberal reformers seem to lay on ancient title? Col. Scott forgets that Abstracts of Title are bulky things, and that there was no room for them in Noah's Ark. But if he will insist on going back to the original holders, I really feel bound to see justice done to the Troglodytes and their descendants. We know that we (the People) took these lands by force from the Celts; so we are out of it. But as *amicus curiae*, it is the duty of Col. Scott to look into the title of the Celts. Some people affirm that the descendants of the holders who were evicted by the Celts are to be found among the Basques of the Pyrenees. Then is Col. Scott ready to lead the English back to the Elbe, and make way here for the poor Basques?

Mr. Ley objects to private property in land because "land is not property at all" and "can never become property."

Then what is the matter? Secondly, he points out that man has an abstract right to elbow-room (place-to-be-in on, he calls it), and *use* of land. Why? "Because man cannot otherwise exist." But who wants him to exist? Why need he exist? If I and another man are on a raft only big enough for one, I have no objection to sign a paper granting him his abstract right to place-to-be-in on, but I precious soon shove him off the raft,—if I can; not otherwise. But it seems it is not a question of room which fires the ambition of Mr. Ley, it is his abstract right to the best bit of room in the country. Mr. Wallace has laid it down (and that in itself is a powerful argument), that "every Englishman should be allowed once in his life to select a plot of ground for personal occupation." This plot should be between one and five acres, and it should be paid for by him at a "fair" valuation. If I came of age a week after Mr. Ley, and "selected" the plot which he had "selected" the week before, what then? I suppose it would be a case of the raft again. Now I myself never experienced any difficulty in obtaining a plot of land or a garret, or other place-to-be-in on, and I do not suppose any "Nationalizer" ever did; the only difficulty I have experienced is raising the money for the fair compensation—formerly called the price. But there is a possible danger lest landowners should conspire together to oust the rest of the population. Or, what is nearly as bad, to refuse to sell at a good offer and insist on letting, and drawing an annual rent instead. If they try to do the former I am quite ready to join Mr. Ley in doing the conspirators down into oleomargarine with or without the abstract right to do so. But if they merely insist on drawing rent I have no objection to paying it, so long as I can invest the capital sum at an interest which is higher than the rent. If all the table-makers conspired to let their tables out on the hire system instead of selling them, Mr. Ley would "do without a table." I should hire one. Some small farmers that I know in Herefordshire are unable to pay for a threshing-machine. The squire lets one to them in turns and draws an annual payment from each of them. Mr. Ley would do without it—as lots have done before; he would thresh his wheat with his own flail, and breakfast on the floor.

One word more. The fact is (and I am sorry to obtrude facts again, because I know what troublesome nuisances they are in discussions like this),—the fact is, when we speak of "property" we are all talking about different things. Property is a species of use. It is that bundle of uses which cannot be

enumerated and specified by reason of their indefiniteness. Such uses may be forbidden to all. In which case the thing itself is not property at all. When Mr. Olivier says the roads are common property he is, I think, in error. If they were common property, I could camp out with my family in the middle of Piccadilly—which, as a fact, I cannot. The definite uses of roads are common, but proprietary right is prohibited. This is true of a pawned watch. The proprietary right is suspended. It is true of all cases of sequestration, where the proprietary right, instead of being common to both, is exercised by neither. It is not held desirable to vest the residuum of indefinite rights to roads in anyone. But in the case of agricultural land and building land, it has been found economical to vest this residuum of powers in private individuals. It is well known that the productivity of this country, acre for acre, is greater than that of any equal area of land held under any other form of tenure, and this again is a *fact*. The People, the Plurisy, the Majority, the State, is interested in getting as much as it can out of the soil, and the system of separate ownership of land is found to conduce to this end.

Let us suppose all the landowners in the country to die suddenly, leaving the whole of their land to the State absolutely. There is nothing antecedently improbable in this, when we remember the fate of the firstborn in Egypt some years ago. If Mr. George or Mr. Hyndman should happen to fill the post then occupied by Moses, the *dénouement* is rather probable than otherwise. What now is the State going to do with it? My advice would be, put it up to auction and sell it in lots to the highest bidders. Mr. Olivier, Mr. Ley, and Col. Scott would say: “No, let the State keep it as national property and *let* it in lots to the highest bidders.” If not to the highest bidders, to whom? But this is rack-renting. In order to avoid this odious arrangement, the State, we are told by Socialists, would let the land at a *fair* rental. In other words the local representative of the State, better known to all of us as Jack-in-office, would let the lots to his sisters, his cousins and his aunts, and those whose behaviour entitled them to be regarded as “friends of the family.” In plain English the whole land-system would be a maze of officialism, jobbery and corruption. But could it not be so arranged that it should be the interest of the State-agent to make the most of the land? Certainly it could. The land could be put out to Land-tax-farmers as in Turkey and (formerly) in Bengal. The State would still remain the owner and the rents would be as high as they are now.

Good ; but that is precisely the present system under another name. The Tax-farmer has to pay for the post precisely what a landowner now pays for the fee simple of the land. That is the market value of the post. The Tax-farmer would do just what the landowner can do now. He would let the fishing to one man, the farming to another, a right of way to a third, rights of common to a crowd of others, mining rights to another, and perhaps reserve some rights to himself. In other words, he would make the most of the land and squeeze as much as he could out of it. At present the State reserves, and always has reserved, the right to buy up the owner's proprietary rights at their *full* market value. A wise State avoids doing this, except in cases where the public need for the particular piece of land is urgent, as in the case of roads and railways, docks and harbours, public buildings, and the like. It reserves the same right with regard to every kind of property. In case of invasion, the State takes horses and grain from citizens at full market value, and it uses the railways and railway stock of private companies ; and if some lunatic should proclaim his intention of burning *his own* collection of Murillos or Hogarts, the State would take them from him at full market value. At least, if it did not, it would be acting with foolish forbearance. Some of us would do it, and chance it. The reason why the State should exercise this right, or rather this undoubted power, to take property from its owners, with extreme caution, and only in cases of emergency, is that security of lawful possession is (as Bentham showed) the greatest blessing a people can enjoy.

I believe the most zealous Socialist admits the necessity of recognising the right of exclusive use—at all events, for a limited time. He does not pretend that society would be happier if a dozen men began digging the same plot and hustling one another about till the strongest remained master of the situation. This condition of things is usually described (erroneously and ignorantly described) as Anarchy. Very good ; admitting then the individual right of exclusive use (a right based not on his own physical strength), it can, I think, be shown that the nationalization of the land and of everything else (Socialism) would result in a state of things not materially different from the system of private property under which we live.

Suppose no property to be recognised but property in money ; suppose the only money recognised to be made of paper costing absolutely nothing ; suppose the minting of this worthless stuff to cost absolutely nothing, and to be

indestructible and inimitable, and also to be absolutely limited, so that not even the Government officials could increase the quantity; and suppose the whole world to be brought into the arrangement. What would happen? The Duke of Bedford would receive counters marked fifteen million pounds in exchange for his land; Mr. Ley would receive counters marked three pounds in consideration of his table. What next? The State would come to the Duke of Bedford and say, "Look here, you know more about this land than we do, and the value of the exclusive use of the parts thereof. Give us those counters marked £15,000,000 and you can make what terms you like with those who want the exclusive use." Mr. Ley would go to the State and say, "If you please, I hate paying annual or quarterly instalments for the exclusive use of this table, I would rather do without one; let me compound. Of course, you can reserve the right to take the table away from me on paying me the then market value." Both bargains would be struck, both being reasonably and beneficial to all parties concerned; and we should have exactly what we have now,—except in name.

VII.—BY J. C. SPENCE.

MR. WORDSWORTH DONISTHORPE'S very clever contribution to the Symposium on the Land Question shows that the solution of the land question involves the solution of the fundamental problem which underlies every political question when reduced to its lowest terms. This problem is :—Should laws be framed in accordance with our ideas of expediency or our ideas of justice ? Like all who adopt the expediency theory, Mr. Donisthorpe quotes and endorses the dictum of Austin—that where law is supreme the people have, as a matter of fact, no rights, except such as the law will enforce ; that is, that our rights are not natural and absolute, but legal and limited. This proposition appears to be impregnable, and a necessary consequence of the supremacy of the law ; but to infer that, because all our rights are legal, therefore all our laws are right, is such a manifest *non-sequitur* that one could hardly believe it possible that such an acute reasoner as Mr. Donisthorpe could seriously propound it. But, however incredible it may be, it is a fact, that this feeble pun—it is not an argument—is, time and again, gravely brought forward by such men as Lord Coleridge, Professor Huxley, and others too numerous to mention, among whom are many of the ablest writers on the philosophy of politics.

Except as an instance of the perverting influence of power worship, I can see no force in the argument at all. Let it be granted that our rights depend absolutely on the will of the sovereign power, whether that power is a person, a class, or the majority. Does that throw any light on what it would be best for the sovereign will to enforce ? Under a representative Government, the citizens have a double function to perform ; as subjects the law is supreme over them ; as electors they are supreme over the laws. Now all arguments on such subjects as this appeal to the citizen in his character of an elector. The question discussed in this JOURNAL is not whether we will obey the laws or break them, but what we as legislators or fractional parts of legislators think to be good or bad laws. An elector having to determine whether to vote for, or against, a certain measure,

receives, from the theories of Austin—the valuable information that, whichever way the question is decided will be right. Surely then, in discussing what the law *ought* to be we can get no guidance from these theories. And we must be guided either by our ideas of expediency, or by our ideas justice.

Mr. Donisthorpe says that he can no more define Natural Rights than he can Abracadabra, but appears to think it is a simple and easy thing to define what is advantageous or injurious to the majority. Yet, in the vast majority of cases, when the question asked is: What is fair and just between man and man?—you can get a jury of twelve men to give a unanimous verdict; but when the question is: What is beneficial for the majority?—it is difficult, if not impossible, to get two men to agree exactly. To estimate all the consequences, good and bad, direct and indirect, present and future, of confiscating the landed property of the country, and to strike a balance between the good and the bad effects of this confiscation, is not a difficult task, it is an impossible one. On the other hand, the intelligence and sense of justice of the ordinary elector is quite sufficient to tell him that it would be unjust to take from a man (by force and without compensation, because of some fancied benefit to be conferred on the majority, and some specious arguments that property in land differs from property in other products of nature, such as horses, cattle, gold or silver) a farm which he had honestly and legally bought.

Unquestionably, expediency has always been the guide accepted by the sovereign power in the past; but the result is not such as to encourage us in continuing the same guidance. Governments have always hitherto attempted to regulate the production and distribution of wealth according to their ever-changing views of expediency. The tenure of land has been altered again and again; at one time to encourage the growth of large estates, at another to break them down, to benefit the owner at the expense of the occupier, or the occupier at the expense of the owner, or both at the expense of the general public.

The law has fixed maximum wages, minimum wages, levied rates in aid of wages, enacted and enforced poor laws, laws of settlements and allotments, has forbidden trades unions in some cases and enforced them in others. It has constantly interfered with manufactures and commerce, encouraging this trade and repressing that, fixing rates of interest, prices of goods, hours of work, &c., &c. All this has been accompanied by grinding and unjust taxation, a large part of which always has been and still is, raised from the necessities of

the poor, their food, drink, and houses, and has been spent in enriching the rich, in waste and corruption, in sinecures and pensions. The result of this interference is not encouraging. The distribution of wealth in this country, where one man may own a county and another be indebted to charity for the rags that cover him, is neither just nor expedient. We have neglected justice to follow after expediency, and we have obtained neither.

Had our legislators limited their interference with the distribution of property to administering justice in any disputed case brought before them, it is not possible that the distribution could have been worse than it is at present. There is considerable difference between men in size of body, in mind and in character. The difference between a giant and a dwarf is very great ; but such cases are rare enough to be exhibited in a show, whilst the vast majority of men vary but little either above or below the average. Were the distribution of wealth allowed to follow its natural course, it would, judging from all analogies in nature, most probably have the same result. In the vast majority of cases, wealth would differ but slightly either above or below the general average ; in exceptional cases the difference might be as great as that between the giant and dwarf. But, for such monstrous contrasts as the prince and the pauper we must thank our law makers, who have been constantly interfering with the equalizing effects of natural law. To attempt to put matters right by further interference based on the expediency theory is absurd. The only benefit the sovereign power can confer upon the subject people is the one that seems least likely for them to do—namely sweep away all their innumerable restrictions on free trade, especially in land, and leave us to work out our own welfare of ourselves.

To sum up these arguments. I have endeavoured to show that Austin's theory of the supremacy of the law does not and cannot give us the slightest guidance as to what the laws should be—that the theory that we should do what is advantageous to the majority, does not and cannot give us the slightest guidance as to what *is* advantageous ; that a true estimate of expediency is impossible, an untrue estimate is certain to be erroneous ; and, finally, that by reasoning from what is fair between man and man we can pass to what is fair between one man and several, and from several to all ; that this method, which is the method of all science of reasoning from the particular to the general, from the simple to the complex, does give us reliable information as to what should be law.

Applying this method to the land question, we find that it would not be in accordance with strict justice to confiscate property in land to obtain some imaginary or real public good ; and that the duty of the State is not to regulate the tenure of the land but merely to administer justice in cases of disputed right.

VIII.—BY MICHAEL FLÜRSHEIM, OF BADEN BADEN.

I FIND it hard that limitation of space forces me to abstain from answering some of my predecessors. Perhaps it is better so, as I am afraid I might have somewhat lost my temper in answering Mr. Herbert. Abstract philosophy has a tendency to affect me as a red rag is said to affect a bull. It has always seemed to me that there ought to be a special planet in which these people might be allowed to sport their theories. Ours is not large enough for that. I would like to see Mr. Herbert expounding his theories in a meeting of stockholders, to which he denies the right of doing anything in regard to the administration of the joint property without the consent of every single shareholder, and would prefer to see everything go to ruin rather than earn good dividends by such unphilosophical proceedings as the one implied in majority rule.

If Mr. Herbert would have made me lose my temper, I think Mr. Scott Moffat would have made me regain it; for there is something so infinitely enjoyable in his definition of the functions of ownership. It is so correct, too. You can see that immediately, when you take, for instance, Mr. Winans, the American, who owns a part of Scotland from sea to sea. First, "to guard the land against intrusion"—of the cultivator; "to maintain the right of the owner or his representative to its fruits"—driving away the original owners of the soil, the people who cultivated it for many centuries, who fought for their country's glory on many battle fields, to Canada, Australia, or the United States. Secondly, "to procure and maintain (drive away and starve) tenants capable of cultivating it to advantage." Thirdly, "to maintain or improve the condition of the land"—changing it back into the original desert, to afford a hunting ground for idlers. Formerly these went to the American West to shoot deer. Now the Scotch cultivator goes there, and his fields are turned into western wilds so that the Americans can hunt there. "Whether directly, or with agreement with the tenants."—For form of agreement see Sutherland clearances. Instead of "agreement with" read also "with the rent paid by the tenants." It is equally refreshing to read

about the excess of rent being due to the high cost of food, at a time when rents are too high because wheat is so cheap.

All this is very nice ; and I never had the least doubt that landlords and their friends can prove quite to their own satisfaction that private ownership of land is an unmixed blessing—to them ; for I have lived among Virginian farmers, who proved to me equally well, to their own satisfaction, that slavery was an excellent institution—for the slaveholders. But I cannot quite see how they can make it clear to those unphilosophical masses, commonly called the people, that the present parties are always to be the owners and they, the people, the tenants and the labourers.

At one of the meetings where Mr. George spoke, a young scion of nobility asked him if he thought it just that he should give up a place which his family had possessed for centuries ? “Don’t you think you have had it long enough ?” Mr. George asked. What are Messrs. Herbert, Scott Moffat and Co. going to answer, when those 99/100 of the English nation, who are not landowners, begin to ask that ticklish question : “Don’t you think you have had it long enough ?” And there is not the least doubt that they will ask that question, one day or the other, and mean to have it answered, too. Education, once the privilege of the few, is rapidly forcing its way downward ; and, though it will not be sufficiently developed to make them see Mr. Herbert’s philosophy—that they have no rights as long as a single landlord says “nay,” yet they will know as much as this—that the power is in their hands to take the land from its present owners ; and depend upon it, they will take it. They will do it the more certainly, when once they know how entirely their present misery is derived from private landownership, which the greatest part of land nationalizers do not themselves see as yet.

In a short paper I cannot fully develop principles which, according to my view, govern the true relation between the land question and the great social question in general ; and which I am happy to say, have been adopted by German, Dutch, and Swiss land nationalizers. An English translation of my last book on this question is in preparation. I shall try to give a short sketch of its contents.

How is it that millions of willing workers, who are at the same time willing consumers, cannot find paying work in mutually exchanging the produce of their labour ? This problem is the social question of the 19th century. The question of wages is only subordinate to it ; for if work were easily found, there would be no unoccupied reserve army of

workers, no mutual underbidding, and consequently we would have high wages. Over-production can be no solution of the problem, for it is only another expression for the same. There is no single article of production, there never was a single one, which can be considered as having been over-produced in the real meaning of the word, viz., in having nobody needing it. What we call over-production is, in reality, nothing but under-consumption, caused by a deficiency of purchasing power on the part of the masses. How does this deficiency originate? To answer this question is to give the cause of our commercial crises, is to solve the social question; for both are the same thing. I say, they *are*, which does not mean that they always have been. One of our greatest difficulties consists in the very fact that the meaning of both expressions has changed in the course of time. In an age in which the full exertion of man could just provide for his most pressing wants, the luxury of the few could only be obtained by the privations of the many. The social question of that day was easily understood. So were the commercial crises of that time. When wars, famines, pests, floods, earthquakes, revolutions, ravaged a country, the crisis was easily accounted for. It is evident, that in a time in which over-production is considered as the cause of the depression by all superficial observers, neither the social question nor the crises can be explained by a deficiency of production. Misery from want is a familiar conception; misery through abundance is an astonishing puzzle. Formerly, wars ruined business, fires damaged production; now there is nothing like a war to stimulate business, and a big fire, like that of Chicago, has a very invigorating influence on production. What is the solution of the riddle? It can only be found in that cause which prevents the producing masses from exercising their purchasing power to the full extent of the facilities of production. What is this cause? It is that they have to give up part of what their labour produces to somebody else, which of course is bound to diminish their purchasing power in proportion.

Even this could not prevent free exchange of products, and consequently full working opportunities, if one very important and essential condition were fulfilled, viz., if those to whom labour gives up part of its produce would consume it sooner or later. Are they not forced to do this? They would be, if there were not the possibility of using their income as a means of increasing their tribute-leverying power, their power of preventing the workers from consuming, without filling the gap by their own consumption.

Before, however, we can see how this possibility can arise, I must first illustrate by an example, from actual life, how the crisis is caused by the increase of large incomes. The Rothschild family, in its different branches, has got an income of not less than £8,000,000. Their consumption does not exceed £1,000,000. This means that they demand from the working masses a tribute to the amount of £8,000,000, of which they take only £1,000,000 in produce. For the remainder they want new tribute-rights, or that means of exchange, called "money," with which they can purchase these rights. To exchange their goods for such capitalized tribute-rights or money, the producers have to sell them in a market, in which the Rothschilds only buy £1,000,000's worth, and in which they, the producing masses, would very willingly buy the remaining £7,000,000's worth, if they could afford it, viz., if they had not to pay the exchange value of their goods to the Rothschilds. The total sum, which in this way is not consumed, but invested in new tribute-rights all the world over, is calculated to exceed £500,000,000 yearly.

The natural objection we here meet with is that the savings of capitalists, being invested in new machines, new factories, railroads, &c., give employment to labour in some other way ; they only turn it into some other channel, which is even of more advantage to the community than if goods for direct personal consumption were produced. This *would* be right enough if it were true, which unfortunately it is not. To prove what I advance, I have to begin with the investigation of what we understand by a word always used in connection with the question of investments, the word "*capital*." No other word in the dictionary of political economy is used with so many different meanings. The definition mostly heard is : "produce of labour used as an instrument of new production." Interest in this sense means hire paid for borrowed instruments of production. Is this really the definition of capital and interest as we are accustomed to meet them in daily life ? Certainly not. Only a comparatively small part of the world's capital can come under this heading. Look over the stock-exchange list, and see how much of all the values quoted there will bear the test. Not one-tenth, certainly. All the rest will have to get quite a different definition. The whole of this so-called capital is nothing but "capitalized tribute-rights." A government bond of £100 bearing £3 interest is nothing but the capitalized value of the right to levy a tribute of £3 from the workers of the nation through the agency of the

tax-gatherer. All land-titles, all mortgages, all that part of the value of shares not represented by the tools of production owned by joint stock companies—all this is nothing else but capitalized tribute-levying power.* Let us from now call all this capital "false capital," its interest "false interest," and the capital consisting of instruments of production (in which, of course, houses, stock, &c., are included) "real capital," its interest "real interest." It is to the latter capital that Socialists pay most attention, which is a great mistake; not only because this capital forms only a small part of the whole, but because it is also the least dangerous part. There is a great deal of risk connected with its handling, because it consists of human productions, subjected to all the destructive influences to which man's handiwork is liable from its birth. It is quite different with the false capital; at least with that part of it—and it is by far the greatest part—which is based upon well secured monopolies, such as land ownership, mortgages, government securities, railroads, canals, etc. Now the Rothschilds know this very well, and so do most of the large capitalists; or, ten to one, they would never have become large capitalists. Most of their investments are made in false capital of the surest description. If this false capital did not exist, there would be no Rothschilds. The larger the investments in real capital are, the greater is the risk run by the investor, for the capacities of supervision diminish in proportion to the extent of the field; whereas false capital of any quantity can easily be watched.

We can now easily see how the new investments of the large capitalists can increase and mostly do increase their tribute-claiming power, without giving employment to labour. Let us suppose the case of a manufacturer owing a mortgage of £10,000 to Rothschild, at 5 per cent. This means a tribute of £500 due by the manufacturer to Rothschild. A year has gone round and £500 have become due, though, business having been dull, the manufacturer has not earned it. Rothschild is kind enough to add the amount to the capital. This means that, from now to all eternity, the tribute due by the manufacturer to Rothschild has increased by £25. Has the new investment of Rothschild given

* Perhaps only the odd £5,000 of the £195,000 for which a share in a London water company is sold represents the value of the pipes, reservoirs, fittings, &c.,—i.e., the real capital. The remaining £190,000 represents nothing but the capitalization of the legal right to collect rates from London householders, based on the monopoly enjoyed by the said water company.

employment to labour? No, for it was nothing but a simple booking operation. It was an increase of Rothschild's false capital to the amount of £500, the capitalized tribute-right to £25 per annum. It means further that the manufacturer has to diminish his private expenditure to the amount of £25, whereas Rothschild, who does not spend his present income, will not spend one penny more than before.

The same operation goes on a hundred thousand times a day all over the world. Man's genius meanwhile works with all its might to invent more powerful machines, better processes of manufacture, etc., thus increasing the productive and consumptive power of the people. It is all in vain. Demon interest, with his son compound interest, grows much faster than the genius of invention. There is no fighting possible against the laws of arithmetic. Like that Persian king who found that the doubling of a single grain on the squares of the chess-board reached a sum exceeding the fortunes of the whole kingdom, we shall be forced to recognise that the genius will have to give in to the demon even if the wonders it holds in reserve for humanity should exceed those of the Thousand and One Nights. The reason why the law of compound interest did not ruin us long ago is the same which prevented the penny invested at the time of Christ from reaching the fabulous sum mentioned in the books of arithmetic. The insecurity of the investment was so great that the penny got lost. Since the beginning of this century this has changed. Investments in land, government securities, railroads, etc., a reign of law and order never before known, combined with an unexampled productiveness of human labour, have given the demon full play. We are already too far on the chessboard; another square and we are lost. We cannot stand the Rothschild's fortune at 400 millions, with all the others, the Westminsters, the Goulds, Vanderbilts, etc., growing at the same ratio. Shall we wait till the problem is solved in the old accustomed manner, till terrible wars and more terrible revolutions have settled the interest account by destroying the capital?

Do not forget, ye owners of tribute-rights, that the destruction of your false capital need not involve the loss of a single penny's worth of real capital. Suppose that land nationalization, by taking away the selling value of land, destroys those 4,000 or 5,000 millions at which the statistics of British national wealth estimate the capitalized tribute-rights exercised through rent collection, would the nation be the poorer or richer by it? Have the United States become richer or poorer by the disappearance of 500 millions sterling of slave value

from the columns of national wealth statistics ? Are land values anything else than slave values ?—Improvements ? Why, slaves were improved too. Self-sacrificing owners even went so far as to improve their blood themselves, picking out the prettiest negro girls for that noble end. Landlords do not go as far as that. All they do is to allow a small part of labour's exertions to return to the land after having taken the way through their pockets. The best friends of the Southern slaveholders were those abolitionists who offered them full compensation. They were the best friends of their country, too ; for the slaves would have been a good deal cheaper than the costs of the war. But how can land nationalization do any good if interest and compound interest continue—especially if the interest of government bonds takes the place of rent, which would only change the mode of collection, this being undertaken by the government for the landlords instead of by these themselves ?

If Henry George were right—if the tribute-compelling power of capital not only would continue after land nationalization, but even would increase, Socialists would be justified in asserting that the proposed reform would make the people's situation worse than it is now. Socialism would be the only remedy. Fortunately, Mr. George is wrong. Not only interest will not increase when private rent-exaction ceases, but it will disappear with it. To prove this has been the principal part of my efforts. It is difficult to put these proofs before the reader in the narrow space here allowed me. I shall have to limit myself to a short outline, referring the reader to my book in which also the crisis theory is more fully developed. Before giving this outline, I only want to add a few words about the fluctuating nature of the crisis ; for if the causes I have assigned are the real ones, the only puzzle will be how we ever can have a stoppage of the crisis—how revivals of business can at all happen, when, according to my theory, the crisis ought to increase in violence from day to day. The explanation is a very simple one. Social developments never go in a straight line, but in undulatory wave-motions. Improvements in business are but the advancing waves of a receding tide. What we call an improvement in business nowadays would have been considered a bad crisis 30 years ago. These temporary improvements, which are continually getting shorter, and are divided by growing intervals of crisis, are caused by wars or large armaments destroying wealth and creating a demand for work. The temporary increase of demand caused in this way is as little understood by the business community as the

real cause of the crisis. Everybody thinks that at last the bad times are over, and the long expected revival has arrived for good. Shopkeepers give large orders to the merchants and these to manufacturers, to be in a position to meet the expected demand. Manufacturers engage more hands and enlarge their works to satisfy their customers. All this increases the amount of wages paid and, as a consequence, the consumption of goods. It thus further stimulates the hopefulness of the business world, the laying in of stock, the demand for goods, &c. But, all this time, the old causes of the crisis have been at work, not only with uninterrupted, but with increased force. The loans emitted for reparation of war losses or the purchase of armaments have increased the tribute-exacting power of the capitalist minority, without proportionately increasing their consumption. On the other hand, they diminish the purchasing power and consumption of the masses by increasing the taxes. Soon shopkeepers and merchants begin to discover that they overestimated the demand, and they reduce their orders. Manufacturers begin to dismiss hands, thus further diminishing consumption; and the crisis begins with renewed intensity, often with the preliminary of a crash, the intensity of which is in proportion to the temporary improvement.

And now for the interest question. I can pass over those definitions which see in the element of time or in natural forces the origin of interest. Time is a destructive element as well as a creative one, and in every case in which we have to ascribe to natural forces a certain part of production we shall, on closer inspection, find that it is rent and not interest we have to do with. The only definition of interest which can be admitted is, that it is a certain part of the produce of labour, paid for the use of capital. The justice of such payment is demonstrated by the mutual service theory. A. lends a plane to B., by means of which B. can produce more boards in a given time than he could without the plane, and of course B. ought to pay for the service rendered to him by A. in giving him one or more of the additional planks made by means of A's. loan. All right; but did B. render no service to A. by agreeing to take his plane and to give him a new plane at the time when A. needed the same? If A. had to keep his plane himself he would have had to spend labour to preserve it from being stolen, from rust, fire, etc., and even with all his labour he would never have had as good a plane as before. If B. therefore saved him all this work, he rendered him a service, too. To compare the value of two services we have to take

their market value as a standard of comparison, not the standard at which it is valued by the parties personally. This is the law governing any barter. A starving wanderer coming into a town and buying a piece of bread sets a greater personal value upon the service rendered to him by the baker than the baker upon the payment of the penny he received for his bread. Still, only one penny was exacted, because the market value of the service rendered by the baker is only put at one penny. It is, therefore, supply and demand in the market which has to determine the mutual value of the two services rendered by the lender to the borrower and *vice versa*. If there are more planes needed than offered, planes will command a rent. If on the other hand the offer of planes for hire exceeds the demand, planes will have to pay for the keeping. If the offer of capital exceeds the demand, capital will have to pay for its preservation. Is this ever likely to happen? It would be the rule, if production were untrammelled. Every worker would soon produce more capital than he could use himself; only those beginning anew in business would require capital, which they could soon repay out of their earnings. Capital would be a drug in the market, interest would be a thing of the past. Well, what prevents this desirable state of things? *Private ownership of land is the cause. Rent is the father of interest.* It was the great reformer, Calvin, who already, three and a-half centuries ago, proclaimed the great truth that "as long as money will buy land which produces rent, money will be able to claim interest, and capital can be said to be productive of interest, as the object with which you can buy another capable of producing anything can be considered as being the producer of the same." The moment a capitalist owning £100 can purchase with it land bringing £3 rent, this capitalist will not lend out these £100 if he does not get at least £3 interest. Nationalize land, and interest will soon go down to the premium of risk and to the wages of supervision, or below this. Neither of these can be called interest proper; for the one, in the long run, only replaces the loss of capital, the other is only a form of wages. Neither can form the source of the continual self-increase of capital, which is the cause of all our misfortunes.

I know that objections will rain down upon this, and in my book I have tried to anticipate them. Habit makes us look at the most unnatural state of things as a matter of course, and at self-evident truths as lies. That the loan of an object involves the right, not only to get it back tenfold in the course of years through multiplying interest claims, but an eternal right for the lender and his heirs to claim a tribute

from the borrower and his heirs, and still to retain an undiminished claim on the capital, such a state of things appears to us perfectly just and natural, whereas the idea that a time might come when the claim of the lender will end with the repayment of his capital, whether such repayment be made in a lump or in instalments, appears to us as ridiculous and not to be thought of.

The dangers inherent in interest and compound interest claims were not unknown to lawgivers. From the Holy Writ to the canonical laws we find a profusion of laws against interest. Cato considers the taker of interest as worse than a murderer. All this was nonsense. All laws were forced to remain dead letters, as long as the natural foundation of interest remained intact—as long as capital could buy land and claim rent for the same. The best proof of this truth can be found in the way in which the laws against interest were evaded during the Middle Ages by making feigned land sales, to be cancelled after repayment of the debt. The rent was collected by the lender, the imaginary owner, until he was repaid. Calvin was much more logical than Romanism, in authorising interest under its real name, as rent made its indirect collection possible. Laws against compound interest were equally useless, for how could the capitalist be prevented from lending out his yearly interest-income? As the new capital consisting of saved interest could not be distinguished in any way from the old capital—both being in most cases only false capital, capitalized tribute-claims—how could compound interest be distinguished from real interest?

One of the most remarkable proofs how even great thinkers are influenced by current thoughts can be found in the fact that our first economists have not been able to see how lending could go on without interest. Even Adam Smith did not believe that anybody would lend without interest unless it was from motives of friendship or charity. He did not see that lending against good security was anyhow better than the preservation of capital by oneself, with all the dangers inherent to the same. Anyhow, he did not go so far as some others, who did not see how anybody would save without the possibility of getting interest. Such economists consider man inferior to animals like the bee, the squirrel, the ant, &c., which save without getting interest, or even with the risk of minus interest, viz., of losing part of their savings. What induces man to save is not the hope of getting interest, but the wish to live without care for the morrow, to provide for old age, for those he leaves behind,

and for the sake of enjoying leisure at his will. All this can be accomplished without interest. £50,000 will, without interest, enable a man to provide a thousand a year income during his own lifetime and that of his wife and children. £33,000 will do it, if invested at 3 per cent. It will be a great deal easier in the reform time to save £50,000, than to-day £33,000, especially to the great majority of people, who to-day cannot save a penny. The advantages of interest are to the working man of our time like those of cheap potatoes in Ireland to that Irishman in the United States, who said : " In ould Ireland ye can git a bushel of taters for sixpence, but the difficulty is to git the sixpence." Insurance companies will be able to equalize risks, make arrangements for life annuities, issue life insurance policies, make provision for sickness and accidents, as well as to-day. Interest only cheapens their terms, but has nothing to do with the principle of insurance, which consists in the generalisation of risks.

The indirect influences of land nationalization upon capital and interest are much greater than its direct effects. As long as Henry George does not see this, he can never successfully meet Socialists in public discussion, especially in old countries, where the speculative retaining of land plays a very unimportant part, and where the reform of having rent go into the pockets of the State would not of itself make it much easier for a worker without capital to compete with capitalist farmers. It is only by showing that land nationalization will abolish false capital and interest, and thus will make real capital accessible to workers, thus rendering it easy for them to work for their own account,—be it singly or as members of associations,—and to refuse wages inferior to the profits made in this way, gaining all the advantages of Socialism without its drawbacks, it is only in this way that Individualism can hope to beat Socialism. It is only then that natural laws will accomplish what blind economists pretend they are accomplishing to-day. The dispute between Individualists and Socialists to-day is like that between a gardener who has planted beans which the hogs have eaten without his knowledge, and who insists that his beans have sprouted because natural law wills it so, and a looker on who denies the existence of such a law, there being no sign of a single sprout. Individualists like Giffen, Atkinson, &c., bring us false statistics, by which they attempt to prove that the sprouts of general well-being are visible all around us—though nobody with sound eyes can see them—because economic laws ought to bring such results.

Socialists on the other hand deny economic laws because the results are so bad. Both schools have forgotten the hogs, which ate the beans, viz., private landownership, the only cause which made beneficent economic laws bring such bad results. Keep the hog "landlordism" out by re-erecting the good old safeguard—common ownership of land—foolishly torn down by our forefathers, and the law of "*laisser faire, laisser passer*" will produce the most delicious fruits. Another important consequence of relations between rent and interest will be that we can see our way to full compensation, without depriving the existing generation of the benefits of reform. The production of capital increasing at a greater and greater rate, and land, the most elastic field of investment,—the value of which continually increases with the quantity of capital looking for investment,—being withdrawn from the capital market, interest will rapidly go down. The government bonds issued at 3 per cent. soon can be converted to 2, 1, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ per cent., and to no interest at all. Rent on the other hand, will rapidly increase with national prosperity. The profits from both causes combined would pay off the present national debt, as well as that incurred in land purchase, within less than 25 years. The period might be further reduced for England by putting the old land tax of 4s. in the pound on present rental values, before settling with landlords, which would reduce the sum of compensation 20 per cent. The effects of the reform would be felt as soon as interest had gone down low enough to arrest the flood of unconsumed income now increasing the tribute-rights of a sated minority and diminishing the power of consumption of the masses.

When the George school has once seen these truths, its march to certain victory will be rapid. Its celebrated leader is too deep a thinker to keep from seeing them, after he once has looked them squarely into the face. In "Progress and Poverty" he already begins to distinguish false from real capital, by recognising that mortgages are not capital, but landed property, and that their interest is disguised rent. He cannot make a stand at this point. He cannot help seeing that the interest on a capital lent to a worker to buy machines, cannot be legitimate and beneficent to labour to-day and become the very reverse to-morrow, when the same worker allows his creditor to execute a mortgage for the better securing of his credit. Socialists cannot help looking at land nationalization with different eyes when they once understand that it also breaks the power of capital, or rather makes it the slave of labour instead of its domineering master.

They can easily be brought to see that we do not suffer under anarchy of production, as they call it; for there is not a single article in existence which is overproduced, if the wants of the people are in question, and not a single article of which there is not too much in stock, if the purchasing power of the masses is considered. There is anarchy in the waste caused by unnecessary overstocking of unproductive occupations ; but this will soon be righted when the present barriers to the full development of productive work have been laid low. The social question is one of distribution, not one of production of wealth. When once convinced that, with the nationalization of land, Individualism will accomplish their ideal much better than Socialism, Socialists cannot fail to become Individualist land nationalizers. So will Conservatives, if they once understand that we land nationalizers are the real Conservatives.

IX.—By MR. HERBERT SPENCER.

AS some doubts had arisen with respect to Mr. Spencer's maintenance of the views on property in land set forth in his *Social Statics*, we asked him, some months ago, to banish these uncertainties by making a brief contribution to our Symposium. This he was unable at the time to do, because of ill-health; but he has since been induced, by the "heckling" to which the Right Hon. John Morley, M.P., was subjected by a body of his constituents, to write a letter to the *Times* (7th November, 1889) which, as it exactly serves the purpose of our Symposium, we take the liberty to transcribe.—ED.

Sir,—During the interview between Mr. Morley and some of his constituents, reported in your issue of the 5th inst., I was referred to as having set forth certain opinions respecting land ownership. Fearing that, if I remain silent, many will suppose I have said things which I have not said, I find it needful to say something in explanation.

Already within these few years I have twice pointed out that these opinions (made to appear by those who have circulated them widely different from what they really are, by the omission of accompanying opinions) were set forth in my first work, published 40 years ago; and that, for the last 12 or 15 years, I have refrained from issuing new editions of that work and have interdicted translations, because, though I still adhere to its general principles, I dissent from some of the deductions.

The work referred to—"Social Statics"—was intended to be a system of political ethics—absolute political ethics, or that which ought to be, as distinguished from relative political ethics, or that which is at present the nearest practicable approach to it. The conclusion reached concerning land ownership was reached while seeking a valid basis for the right of property: the basis assigned by Locke appearing to me invalid. It was argued that a satisfactory ethical warrant for private ownership could arise only by contract between the community, as original owner of the inhabited area, and individual members, who became tenants, agreeing to pay certain portions of the produce, or its equivalent in money, in consideration of recognised claims to the rest. And in the

course of the argument it was pointed out that such a view of land ownership is congruous with existing legal theory and practice ; since in law every landowner is held to be a tenant of the Crown—that is, of the community, and since, in practice, the supreme right of the community is asserted by every Act of Parliament which, with a view to public advantage, directly or by proxy takes possession of land after making due compensation.

All this was said in the belief that the questions raised were not likely to come to the front in our time or for many generations ; but, assuming that they would some time come to the front, it was said that, supposing the community should assert overtly the supreme right which is now tacitly asserted, the business of compensation of landowners would be a complicated one—

“ One that perhaps cannot be settled in a strictly equitable manner . . . Most of our present landowners are men who have, either mediately or immediately, either by their own acts or by the acts of their ancestors, given for their estates equivalents of honestly-earned wealth, believing that they were investing their savings in a legitimate manner. To justly estimate and liquidate the claims of such is one of the most intricate problems society will one day have to solve.”

To make the position I then took quite clear, it is needful to add that, as shown in a succeeding chapter, the insistence on this doctrine, in virtue of which “ the right of property obtains a legitimate foundation,” had for one of its motives the exclusion of Socialism and Communism, to which I was then as profoundly averse as I am now.

Investigations made during recent years into the various forms of social organization, while writing the “ Principles of Sociology,” have in part confirmed and in part changed the views published in 1850. Perhaps I may be allowed space for quoting from “ Political Institutions ” a paragraph showing the revised conclusions arrived at :—

“ At first sight it seems fairly inferable that the absolute ownership of land by private persons must be the ultimate state which industrialism brings about. But though industrialism has thus far tended to individualize possession of land, while individualizing all other possession, it may be doubted whether the final stage is at present reached. Ownership established by force does not stand on the same footing as ownership established by contract : and though multiplied sales and purchases, treating the two ownerships in the same way, have tacitly assimilated them, the assimilation

may eventually be denied. The analogy furnished by assumed rights of possession over human beings helps us to recognize this possibility. For while prisoners of war, taken by force and held as property in a vague way (being at first much on a footing with other members of a household), were reduced more definitely to the form of property when the buying and selling of slaves became general; and while it might, centuries ago, have been thence inferred that the ownership of man by man was an ownership in course of being permanently established; yet we see that a later stage of civilization, reversing this process, has destroyed ownership of man by man. Similarly, at a stage still more advanced, it may be that private ownership of land will disappear. As that primitive freedom of the individual which existed before war established coercive institutions and personal slavery comes to be re-established as militancy declines, so it seems possible that the primitive ownership of land by the community, which, with the development of coercive institutions, lapsed in large measure or wholly into private ownership, will be revived as industrialism further develops. The *régime* of contract, at present so far extended that the right of property in movables is recognised only as having arisen by exchange of services or products under agreements, or by gift from those who had acquired it under such agreements, may be further extended so far that the products of the soil will be recognised as property only by virtue of agreements between individuals as tenants and the community as landowner. Even now, among ourselves, private ownership of land is not absolute. In legal theory landowners are directly or indirectly tenants of the Crown (which in our day is equivalent to the State, or, in other words, the community); and the community from time to time resumes possession after making due compensation. Perhaps the right of the community to the land, thus tacitly asserted, will in time to come be overtly asserted, and acted upon after making full allowance for the accumulated value artificially given. . . . There is reason to suspect that while private possession of things produced by labour will grow even more definite and sacred than at present, the inhabited area, which cannot be produced by labour, will eventually be distinguished as something which may not be privately possessed. As the individual, primitively owner of himself, partially or wholly loses ownership of himself during the militant *régime*, but gradually resumes it as the industrial *régime* develops, so, possibly, the communal proprietorship of land, partially or wholly merged in the ownership of

dominant men during evolution of the militant type, will be resumed as the industrial type becomes fully evolved." (Pp. 643-46.)

The use of the words "possible," "possibly," and "perhaps" in the above extracts shows that I have no positive opinion as to what may hereafter take place. The reason for this state of hesitancy is that I cannot see my way towards reconciliation of the ethical requirements with the politico-economical requirements. On the one hand, a condition of things under which the owner of, say, the Scilly Isles might make tenancy of his land conditional upon professing a certain creed or adopting prescribed habits of life, giving notice to quit to any who did not submit, is ethically indefensible. On the other hand, "nationalization of the land," effected after compensation for the artificial value given by cultivation, amounting to the greater part of its value, would entail, in the shape of interest on the required purchase-money, as great a sum as is now paid in rent, and indeed a greater, considering the respective rates of interest on landed property and other property. Add to which there is no reason to think that the substituted form of administration would be better than the existing form of administration. The belief that land would be better managed by public officials than it is by private owners is a very wild belief.

What the remote future may bring forth there is no saying; but with a humanity anything like that we now know, the implied re-organization would be disastrous.

I am, &c.,

HERBERT SPENCER.

Athenæum Club, November 6th.

X.—By J. B. LAWRENCE.

I HAVE not Mr. Flürsheim's hatred of abstract philosophy, which is or ought to be truth in its most generalized form ; neither can I find such philosophy in Mr. Auberon Herbert's paper. The fault which I have to find with that is the very reverse. Mr. Herbert has—unconsciously no doubt—evaded the statement of principle which he was called upon to make, and which I challenge him to make in his reply. The burthen of proof which lay upon him was to set forth the fundamental principle of private property from the Individualistic standpoint, and to show that it justifies private property in land, using the term "land" in its economic sense, that is, apart from improvements.

"The Individualist," says Mr. Herbert, "hates exceptions"—which, I suppose, means that the Individualist is a man of principle, and adheres to that principle. He who employs the term "exception" implies that there is a principle to which it is an exception. But the enunciation of this principle is nowhere to be found in Mr. Herbert's paper. Instead of this, we have a paralogism which bears a striking resemblance to the ancient one of the Greek sophists in proof of the impossibility of motion. A thing must move, argued these learned gentlemen, either where it is or where it is not ; and they then proceeded laboriously to prove that this dialectical dummy was weak in both its joints. "The land," argues Mr. Herbert, "either belongs to the whole nation or it does not ;" and he assumes that those with whom he is contending will choose the first horn of the dilemma. But—taking the assertion to mean that which his subsequent reasoning shows he intends it to mean—this is a mistake. If by the whole nation be meant the whole of the persons at present constituting the nation, and if by the land belonging to the whole nation be meant that, "except by the consent of every person, the land must remain free and open to all," then I unhesitatingly say that the land does not or ought not to belong to the whole nation in this sense.

Let me supply Mr. Herbert's omission, and state what I hold to be the theory of proprietary rights which follows from the principle of Individualism. Why should any person have exclusive possession and enjoyment of anything ? The answer of the Individualist must be : Because he is morally

entitled to the exclusive use of his own faculties, and therefore to the things which are produced by those faculties. Proprietary rights flow from personal rights. This is denied by the Socialist, and the denial is significant. Mr. Sydney Olivier, who represents the Socialists in this Symposium, says : "That ultimate refuge of the Individualist, the right of a man over his own body and capacities . . . is itself a large assumption, not necessarily admitted by Socialists." I content myself here with noting that, whatever else Socialism means, it certainly means slavery. Blackstone says : "There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property ; or that sole and despotic dominion which one man claims and exercises over the external things of the world in total exclusion of the right of any other individual in the universe. And yet there are very few that will give themselves the trouble to consider the original and foundation of this right. Pleased as we are with the possession, we seem afraid to look back to the means by which it was acquired, as if fearful of some defect in our title ; or at best we rest satisfied with the decision of the laws in our favour, without examining the reason or authority upon which those laws have been built. We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner ; not caring to reflect that (accurately and strictly speaking) there is no foundation in nature or in natural law why a set of words upon parchment should convey the dominion of land. . . . These inquiries, it must be owned, would be useless and even troublesome in common life. It is well if the mass of mankind will obey the laws when made, without scrutinizing too nicely into the reasons for making them." *

This is evidently an esoteric appeal to the "haves" not to talk too loud. The doctrine which Blackstone teaches *sotto voce* is that property was "originally acquired by the first taker." In the statement of this doctrine, it is always difficult to make out whether its defenders intend to state an historical or a moral truth—whether they wish to say what is or has been, or to lay down what ought to be. Some of them can scarcely be said to ring the changes on these two assertions, for they regard them as one. For instance, Mr. Wordsworth Donisthorpe writes :—"If

* *Commentaries on the Laws of England*, Book II., Chap. I.

Majority means those persons who wield the *force majeure*, then I admit at once that the Majority has a right to take over the land with or without compensation, and to melt down the landowners in oleomargarine. The Majority, like everybody else, has a right to do whatever it likes, subject to the will of a stronger power—call it the Law, or the State, or the Sovereign Power, or the Bigger Crowd." This makes might identical with right. It is, of course, true that those who wield the *force majeure* can make what laws they like, and can thus confer on themselves any *legal* rights they choose ; but when we are judging law—when we are seeking the ethical basis of law, it is useless to refer us to law itself. The question at issue is a moral, not a legal one. The great weakness—and it is a fatal one—of Mr. Donisthorpe's very able presentment of his own view of Individualism is that he persistently looks at moral questions from the point of view of positive law. If he strays upon quasi-ethical ground, he takes up the position of egoistic hedonism, from which it is eminently necessary to dissociate Individualism. This persistent legal set of Mr. Donisthorpe's mind results in natural rights being, as he says, "utterly unintelligible" to him. He can see no rights anterior to law. He does not see that law, in so far as it is not a mode of warfare, is an endeavour to give natural or moral rights a political sanction. But to deny that any rights exist save those sanctioned by law—when it is anything more than a mere logomachy—is to deny all force to moral considerations and to treat every social question as one of the *force majeure*.

The right of occupancy—the right of "the first taker" is the ethics of scramble, and is undeserving of the slightest respect. In a world where all are necessarily dependent on the use of natural agents, the notion that those who are first able to appropriate them are justified in doing so is preposterous. "No man made the land," says John Stuart Mill. "It is the original inheritance of the whole species. . . . It is no hardship to any one to be excluded from what others have produced: they were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all Nature's gifts previously engrossed, and no place left for the new-comer. To reconcile people to this, after they have once admitted into their minds the idea that any moral rights belong to them as human beings, it will always be necessary to convince them that the exclusive appropriation

is good for mankind on the whole, themselves included."* Mill's general contention appears to me unanswerable; but I cannot admit that the Legislature would be justified in depriving any man of that to which he is morally entitled, on the ground of a judgment of the effective majority that this would be good for him and for the community. The good of the community is best attained by absolute respect for moral rights. If the majority think that a man would do well to surrender a portion of his rights, they ought to endeavour to convince him of this, but not to coerce him. In the domain of his rights the individual is sovereign.

The right of occupancy—or, as Mr. Scott Moffat† would call it, the instinct of appropriation—cannot be ethically sustained. *Res nullius occupanti conceditur*‡ might do very well for the old world. It breathes the spirit of militarism. In *res nullius* was included enemy's property of every kind. The modern spirit of industrialism and exchange is more consonant with the words of the French code: "*Les biens qui n'ont pas de maître appartiennent à l'Etat.*" That which nobody made, and therefore which belongs to nobody by right of production, belongs equally to everybody. Especially must this be so with that which everybody needs, and without which the concession of the right to the use of our faculties is as much a mockery as was the concession to Shylock of his right to his pound of flesh without a drop of blood.

Here, however, it is needful to clear away a misconception on which Mr. Auberon Herbert and Mr. Scott Moffat build a large part of their argumentative edifice. Locke says: "The labour of a man's body and the work of his hands we may say are properly his. Whatsoever then he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something of his own, and thereby makes it his property."§ To this argument it has rightly been objected that if that on which a man works is not his originally, it is not made so by his work, though he may equitably be entitled to compensation for improvements. Mr. Auberon Herbert wants to know, if a field is national

* *Principles of Political Economy*, Book II., Chap. II., § 6.

† With one sentence of this gentleman I cordially agree: "To show the utility of the landlord as a functionary of the industrial organization, it is necessary to get rid of the notions instilled by Ricardo's theory of rent." True; but are they to be got rid of by stumbling over Ricardo's use of the term "indestructible"?

‡ See Maine's *Ancient Law*, Chap. VIII.

§ *On Government*, Chap. V.

property, how the crops which absorbed part of the material of that field can be private property. Mr. Scott Moffat argues that labour cannot be the source of property, since property in the material on which the labour is used must be antecedent to that labour. These contentions are really one, and involve a misunderstanding of the doctrine against which they are urged. That doctrine is that, as a matter of natural right, all persons are equally entitled to the use of land, and, therefore, no person should be conceded any proprietary rights in the soil which are inconsistent with the exercise of equal rights by his fellows. The raising and private use of a crop are not necessarily inconsistent with the maintenance of such rights. Provided the grower has not more than his fair share in the use of the land, or has compensated the community—using this term in its widest sense so as to include posterity—for what they have allowed him to use in excess of this, the conditions of equity are satisfied. All persons do not want direct access to the land for the purposes of production; but those who have not this access should be adequately and efficiently recouped in some way satisfactory to themselves. They should not be left merely with the use of their bodily faculties without anything on which to use those faculties. I warn Mr. Herbert and Mr. Scott Moffat that they are wielding a two-edged sword; and that they may find they are really playing into the hands of the Socialists, and, so far as they produce any effect at all, are cutting away the foundations of all industrial property.*

The main reason why so much unnecessary opposition has been roused against the doctrine I am advocating is that people confound it with the practical measures of Mr. Henry George, to which no one could be more opposed than I. The following paragraphs from Mr. J. H. Levy's lecture on "The Outcome of Individualism"† indicate the solution which I think best.

"Mr. George is not a Socialist. To give him his proper name, he is a Repudiationist. He would wipe out the National Debt by means of a sponge, and would nationalize land by seizing—by taxation or otherwise—the whole of the land of the country. To this I could not for a moment agree. However lacking private property in land may be in moral justification, it has been recognised by the

* See the Fabian Tract on "Land and Capital" referred to by Mr. Olivier.

† Published by P. S. King and Son, 5, King Street, Westminster. Price Twopence.

State ; innocent persons have been induced to make investments in it ; the transfers have been made according to forms prescribed by the State, which has also received a commission on each such transaction in the shape of a stamp duty. Under such circumstances, if we resolve—as I hope and believe we will—that private property in land shall cease to be, the cost of the change must be borne by the whole nation, as in the case of slave emancipation, and not by those only who happen to be in the possession of land when it is determined that this change must be made.

“Here, once more, honesty is the best policy. But when the abolition of private property in land is spoken of, and it is agreed that this cannot or ought not to be done by expropriation, visions of a gigantic scheme of purchase at once present themselves to the public mind. I believe that this is not at all necessary or expedient. If once the right principle were adopted by Parliament, it would soon fructify and yield a bounteous harvest. When that principle became the moral basis of a settled policy, public lands would not be allowed to slip from public hands ; the permanent fiscal burthens on land—which are really a reserved rental belonging to the State—would be jealously maintained ; lands held in trust by corporations might be transferred to the State on equitable terms ; the pruning away of some of the absurdities of the law of inheritance would result in many rich windfalls to the State ; reversions, whose market value is little, might advantageously be acquired ; and, last but not least, I think we might reasonably look forward to bequests and gifts of land and other property to the State becoming much more frequent. Especially should I hope that many of the large landholders would voluntarily turn their permanent ownership into a terminable one ; for they would gain far more in the love and esteem of their fellow-citizens than they would lose in point of wealth. In other words, the system I would adopt would be that of patience, forbearance, and faith in the vivifying effect of a great moral principle.”

I will only say in conclusion that the defence of Individualism *plus* a system of private property in land by which any human being is shut out from access to labour material seems to me impossible, and that the practical alternatives are Collectivism and a complete and consistent Individualism—that is, a full recognition of personal rights and equal rights in the gifts of Nature.

XI.—By AUBERON HERBERT.

REPLY.

I PROPOSE to touch on some important points; others I must regrettfully pass by.

Mr. Olivier objects to "*à priori* deductions from notions of abstract right." I hardly understand how he is going to get through the world without them. Clearly he does not get through his article without them. When he maintains that the increased value, given to land by the presence of a community on it, entitles the community to "grab" that increased value, he is using the very weapon he condemns. When he says that these abstract notions lead to different conclusions according to the mind of the writer, and proposes to substitute utilitarian and historical reasoning (both excellent methods in their own place), he forgets that the weakness of the former method is the impossibility of arriving at any conclusion which will command general assent—men being hopelessly divided as to what is good and useful; and that the weakness of the latter is, that when separated from moral considerations, it is a very insufficient guide. Unless you have some abstract good before your mind towards which, as you believe, the human race is travelling, or ought to travel, any historical statement (which itself will generally admit of very large discussion) that we have gone from Communism to Individualism, or from Individualism to Communism, is not of very great importance. The working of evolution is of enormous importance, if you believe that it is tending towards some definite end, but of slight importance, if you do not.

Mr. Olivier questions—if he does not deny—the right of the individual over his own faculties. But in doing it he commits logical suicide. For if the individual has no rights over his own faculties, and no claim to property arising from such rights, neither can that *congeries* of individuals, called the community, have any such rights. If the individual may not claim any increased value in the world's material on account of his faculties, then the mass of individuals, called the community, is necessarily under the same disqualification. Mr. Olivier has destroyed at one fell swoop all the claims that have been hitherto advanced by his party on behalf of

the right of the community to seize increased value, on the ground that it is they, the community, who have helped to create it.

Mr. Olivier must pardon me a minute's amusement at the line he takes. He objects to my appeal to abstract rights on behalf of the individual, and then betakes himself to a much less legitimate use of abstraction,—I mean the recognition of rights, as regards the use of faculties, in the mass of individuals. A man has no rights, but a million of men have. Clearly Mr. Olivier thinks that if you multiply a stone by a million, it will at the end of the process be something different from a million stones. Strong believer as I am in abstract reasoning, I can assure Mr. Olivier I have never indulged myself in such a magical use of abstract notions.

And what a theory—itself an *a priori* notion—is this theory that those who indirectly, unconsciously, and unintentionally, help to impart value to what another man possesses, may claim that value! If the theory is good for anything, it should be applied generally to the circumstances of life. If I help to make a tradesman's income by buying his goods, I may claim part of his income. If I go to an hotel at a busy season, and help to raise the price of hotel accommodation, I may make a claim upon the landlord in consequence. If I buy and read an author's books, I ought to share in the profits. If two nations trade together, each may send a bill in to the other for increased prosperity. But, as a matter of fact, is it the community, as an entire whole, which does impart the increased value to either houses or land? Is it not the labour, the enterprise, the skill of certain members which impart the largest part of the value, whilst other members of a community, by their ways of going on, actually deduct from the value rather than impart to it? Under what rule of equity are you going to place these two classes on the same footing,—the man who has added, and the man who has deducted rather than added? If it is true that we may claim in regard to the indirect effect of our actions, then I say that Mr. Olivier must find some tribunal or process for estimating the nature and amount of the indirect effect of each man's actions, for we certainly do not all act in the same manner.

Lt.-Col. Scott, amongst other criticisms, seems to ask why should not land be common property, as sea and air are common property? The great distinction is overlooked. In the one case (land) the particles remain, being fixed *in situ*. They, the land particles, can be treated as property, just

because they do not change. The air and sea particles are not property, just because they are ever changing. You cannot identify the air and water particles for they are in a constant state of flux. You can identify the soil particles, for they remain within the four corners of your field, and are modified by your treatment of them. A great deal more can be said ; but the necessity of treating the *same* particles of soil according to long continued processes—extending over years—essentially separates land from sea or air.

Lt.-Col. Scott goes back to the favourite topic that land was taken for the people ; and that the present holders hold because they are descendants of the successful invading chiefs or nobles. That argument conveniently passes by the fact that a very large part of the land has passed by free sale from the families of the chiefs to others who have purchased ; and secondly, that if land was taken from Saxon by Norman, it had been previously taken by Saxon from Briton, and by Briton from the long-headed race. The ancient history therefore to which he appeals gives no true title for another taking of the land, since it discloses no true previous title existing anywhere. If property has been stolen, and restitution has to be made, you must be able to show the person from whom it has been stolen, and to whom it is to be restored.

Mr. Ley seems to me to avoid the mistake, into which Mr. George has led so many people, of building up a right, and then, when it has served its purpose, quietly knocking the poor thing on its head. Every individual, contends Mr. Ley, has an abstract right to a place to-be-in, and to use. Very good ; then he ought to have that right conceded to him. Either all land ought to be free for all purposes to all, which is pretty far on the road to absurdity ; or every person ought to have his share, whatever it may be—say an acre—which is also a proposition tending in the same direction. I can hardly think Mr. Ley is prepared—though he talks a little vaguely about five acres in one place—to take this last step. Conceive the dislocation of existing things ; the roads to be made (and paid for by whom ?) ; the creation of an enormous mass of small holders, fit or unfit ; the capital required for building cottages ; the complaints of the ever-increasing population who had not shared in the distribution. But if Mr. Ley does not mean that, what does he mean ? Will he, too, in common with Mr. George, commute a right ? Will he tell a landless man that he, as an individual, has a right to a place to-be-in (and he quietly says, as if we were all Irishmen met to make “ bulls,” “ without which he

cannot exist " though he is in existence and as large as life all the time) ; and having said that, will he proceed not to give him his place to-be-in ;—which we can all see to be an impossibility—but to give him a share in a free library, or a bad gratuitous education, or some other blessed contrivance of somebody's, which we are to ask him to take in exchange for his right—a right of such peculiar nature, that whilst society is to be revolutionized in its name, it cannot by any possibility be granted to everybody, or even to half everybody, as the Irishman said. By what authority, I ask, can we commute a right? If a man, in real sober earnest, has a right to an acre of land, treat that right as a sacred thing, and concede it, whatever it costs you. If it is not a real right, but simply a piece of brain-cobweb, do not play with it and make it an excuse for transferring an enormous money-value from one set of holders to another set. Better do your transference simply by naked force, and use no fine words about it.

I confess, however, that I am puzzled by Mr. Ley's doctrine, because one part seems to conflict with another. He says that the land belongs to nobody. But then, how am I to accept the statement that the individual has a right to a place to-be-in, if it is true that the land belongs to nobody? If it belongs to nobody, I am obliged to ask not only how can any person rightly have a place to-be-in ; but how can we come to any arrangement in the matter? How are we to assign it, or let it, or tax it, or cultivate it, or have anything to do with it? All these things imply a right of disposing of it, according to our own ideas of fitness; and how, if it does not belong to us, if we have no right over it, can we do anything of the sort with it? Such a proposition makes us all equal intruders and usurpers one with another.

Mr. Ley says the leg of mutton or sack of wheat grown from the soil may be private property, but the land cannot ; because the forces which produced the sack of wheat were set in motion by an individual, but the forces which produced the land were not. But is it so? As regards the soil, have not the forces often been set in motion—I use the phrase protesting against it—by men? Much of the soil which is used for production actually owes as much to man's intervention as does the sack of wheat. When soil is carried up the mountain side to form vineyards ; where tracts of sand are by slow processes reclaimed ; when forests are cleared ; swamps drained ; and years of careful treatment given to land to put good heart into it, the soil is not simply the soil of nature, but also of the art and manufacture of

men. In all such cases the difference between the soil itself, and the produce raised from it becomes of a very shadowy nature. It is true that in all cases Nature is the great producer, and man's share is comparatively small; but it must be conceded that the difference is but slight, where Nature has changed the grains of corn into a sack of corn, or where she has ground down the rocks and deposited the detritus under water to form soil. Such a difference is of far too unsubstantial a character to build upon, and to justify the tremendous dogma that land belongs to nobody, because man did not help to grind down the rocks; but that all the produce of land belongs to him because he has sown the seed, leaving Nature to form the plant. The whole thing is metaphysical and abstract in the extreme. All that I can do in any case as regards nature is, with more or less skill, to avail myself of existing forces and existing materials; and if I have no right to own what already exists in nature, I can never own the sack of wheat any more than I can own the acre of soil. But when we pass to the further applications of Mr. Ley's scheme, I feel, and I presume others do, more away than ever from solid footing. He and Mr. Wallace seem to have arrived together at a small plan by which the world is to be easily and comfortably housed. Some persons are to build houses, and others to live in them. No rent is to be paid, because to charge rent is to charge for space, which is a natural product; though the value of the wall-material, &c., may be paid for. Now what difference the air-space makes, I cannot see. A tenant is not charged now, I suspect, for air-space, but for interest on value of building site, and cost of materials, etc. Under Mr. Ley's plan he would still have to pay these charges. Only Mr. Ley proposes that he should pay it all in one payment and not as rent. Certainly, if convenient to both parties; but I am afraid in a good many cases, if the week's lodging could not be had without payment of the capital sum, a good many people might sleep in the open-air. But in truth I suppose it is only a part of that favourite plan of transferring property by force, which is always doomed sooner or later to defeat itself. Either Mr. Ley intends to deduct something from the property of the house-owner and house builder, or he does not. If he does, it may very likely result in houses not being built. If he does not, who has profited?

My friend Mr. Wordsworth Donisthorpe raises an old quarrel with me. There are no natural (or abstract) rights, he says. To which I can only answer that he can no more

escape from abstract rights than Mr. Olivier can escape from deductive reasoning. To deny such rights is to be involved straightway in logical contradictions. You say that the individual has no abstract right, and in the same breath, and as a resulting consequence, you say that the majority has a right to do what it likes. Its rights extend, says Mr. Donisthorpe benignantly, to the manufacture of landlord oleomargarine. Why, what strange logical process is here? A. has no rights, but one hundred A.'s have unlimited rights. Merciful Heaven! What a transformation! By simply multiplying A. you have transformed him from a being without rights to a being with unlimited rights!

Does it make matters any better if you say bluntly, "Force is Right." (As I have put them both on the same footing, I hope Mr. Donisthorpe will not object to the capital letters.) I, too, try to cling to fact; and I say, as a matter of fact, they are not the same. Ever since man differentiated from animal (if that great guess is true) reason and force have been differentiating from each other, until force, from being its own unconditioned master, seems to be slowly becoming the servant of reason. You may say that is an eternal struggle between the two, and that sometimes force enlists and enchains reason on its side; sometimes reason enlists and enchains force. That is true; but the fact that the struggle exists is sufficient to show that the two forces have separate individualities and are not one.

About the word itself I will not dispute with my friend. If instead of calling them rights he should like to call them "the higher and more remote conveniences" that will not change their nature. They are what they are, because of a universal element in their nature; because of their essential connection with fundamental facts of human nature; because of their conformity with our reason, which has its own imperative needs for satisfaction, as much as our body has; and if you could once get rid of this idea of rights, and take your stand upon the proposition that every man might do just whatever he liked, so far as he had, either singly, or in conjunction with others, the force to do it, you would have, I think, to abandon all use of such words, as just and unjust, equitable and inequitable, tolerant and oppressive, reasonable and violent, and to recreate a large part both of our language and ideas.

I regret that Mr. Flürsheim was irritated with me. Had he not been so, he would have seen the difference between the State and a Joint-Stock Company. I join the latter at my own option, and only submit myself to the will of the

majority because I individually desire to do so. With the State I have no such option. It forces the will of the majority upon me at point after point, whether I wish it or not. As regards the rest of his paper, Mr. Flürsheim must forgive me for saying that he has planted a seed and produced from it a growth as wonderful as did Jack the Giant-Killer from his bean in our nursery legends. If I understand him rightly, the fact of A. and B. paying their rents for land to the State and not to the landlord will lead to the abolition of all payment of interest. I might ask him why we do not see any fulfilment of his prophecy in India, where rents are paid to the State; but I prefer to rest upon the simple fact that as long as one man wants what another possesses, he will give some equivalent,—call it by what name you like. If £100 can produce £101, there will always be an inducement for the capable man to borrow 100 from the less capable, and to pay some equivalent for the advantage; when £100 ceases to produce £101 in capable hands, the world will be in such a bad case that we need not consider what will happen. This profitable use of capital in the more capable hands I look upon as an unalterable fact that cannot be got rid of; and it will always produce its consequences. It should not for a moment be mixed up with the possibility that some persons might be willing, as to a certain extent men now do with their bankers, deposit money without receiving interest, because they prefer absolute safety or convenience to increase. But granting for a moment that interest at some future time might cease, why will the transference of land-rent from the individual to the State bring about this tremendous change? Why should not A. borrow money for the very purpose of hiring land from the State, or to stock it, or build on it? Supposing no capitalist could invest in land; what serious difference would it make as regards the fact of his investing in other forms of wealth? The income of the land is very small, in this country at least, as compared with the income arising from other forms of property; and can any man suppose that after Government had grabbed the land, men would cease to invest in mills, machinery, buildings, ships, and all the rest of it? To say that because you could no longer put your money in one of the safer forms of investment, which, as far as the investing market goes, is of a subordinate and unimportant character, that as a consequence of this, capital will grow so plentiful that men will cease to be able to invest it for interest, and will be grateful to lend it to any person who will return it eventually to them undiminished,

is a statement that it is as impossible to criticise as my saying that discussion in the *Personal Rights Journal* will create a social revolution in Jupiter. Perhaps it may ; but it is the proofs of such a statement that I should have liked to have seen, and those I cannot discover in Mr. Flürsheim's paper.

Mr. Flürsheim separates a mortgage from other productive investments of capital. It is difficult to follow him. If I own a cotton mill and mortgage it for £20,000 in order to develop my business ; where is the economic difference between the lending by the mortgagee to me of this sum, or of his investing it himself in a cotton spinning company ? You may say that the mortgagee has to pay tribute—if you are amused by using such words—but why should he not, since this was the only way of his making a profit for himself ?

Mr. Lawrence challenges me to give the basis for private ownership in land. It is as follows :—Each man owns and possesses his own faculties. He therefore rightly owns what he has produced by means of his faculties, provided only he has exercised his faculties under a general system which allows all others to exercise their faculties.* Now, if each man owns his own faculties, he may not only use his faculties to produce directly for himself, but he may lend his faculties to others on such terms as may be agreed between them, or hire the faculties of others, or purchase or sell the product of such faculties ; in other words, the ownership by each man of his own faculties means the establishment of the open market for everything, since it is only in the open market that faculties and products of faculties can find their true value. If then the open market results from the ownership of faculties, why is land to be

* Note.—It is important to distinguish between the universal freedom of exercising faculties and the right of using the material on which the exercise of faculties depends. They are quite distinct, though in discussion some Socialists love to mix them up. In practice, what the State-Socialist does, is to suppress the first, which is the great natural inalienable right of men, on the promise of supplying the latter. Unfortunately, this promise cannot be kept. It only requires a careful examination of all State-Socialism to see that the larger the rights given to the State, the lesser must be the rights remaining to the individual. When all the implements and material of production are State-owned, the individual is at once shut off from any choice or selection as regards the exercising of his faculties and the possessing of the material on which they are exercised. Such opportunities as he may be allowed to possess cannot be won by himself or selected by himself, but are simply conceded in quantity and quality according to the mind of the ruling authority.

the one solitary exception as regards the selling and the purchasing capacities of men? The soil and the sack of wheat cannot be shown to differ in essence from each other; and we can only ask what fetish is this which men set up in the shape of land, placing it above human faculties, and declaring, with a revival of the mediæval and metaphysical spirit, that there is some special sacro-sanct quality about it, so that it cannot be sold or owned?

For what does anything exist in this human world of ours but as the creature of human faculties? And is it not mere rank superstition to hold that by locking up land in the hands of the incapable State, denying to hundreds of thousands of the fittest men the happiness and security of ownership, bewildering us all with those violent changes in management, which always accompany State-ownership, shaking all sense of honesty and security by taking that which it is impossible for the State to pay for at its real value, and inflicting on us all another new and most widely extended system of officialism—is it not, I ask, a mere superstition to hold, as the State-worshippers do, that such a change will act straightway in the nature of a charm upon men, unlocking capital, exorcising poverty, and setting rivers of milk and honey flowing through our midst? The truth is that men are just as ready today to fall down on their knees before Mumbo-Jumbo—slightly altered with a coat of modern paint—and to believe in hocus-pocus as they were in the old days. Our superstitions only change their form; and the State now-a-days has the same crowd, shouting and hoping and praising, as that which kissed the toe of St. Peter's statue, and wore away the pavement with their knees.

As regards our Editor's statement in his "Outcome of Individualism" (pp. 27-8), it is refreshing to find him put his foot firmly and manfully down as regards the modern finely-spun ethics of expropriation. "Have you not had the land long enough," quotes Mr. Flürsheim—a remark which in no case has any application to the recent buyer—without seeing that the Socialist is waiting to make exactly the same remark to him as regards the shares he holds in a joint stock company. As I have often said, I understand the expropriation of the State-Socialist. The State-Socialist platform, that "Nobody has a right to anything, and therefore one somebody has a right to expropriate another somebody and take his place as possessor" may have its failings as logic, yet has the great merit of consistency. But to play at expropriation, like Mr. George and his followers, to be moral and virtuous during one portion of the day over the

rights of property, and the other half of the day to advocate the expropriation of a class, some of whom hold by free purchase, some of whom hold, as it is said, in virtue of an ancient act of force,—which, if it is to be condemned, carries surely and certainly with it the condemnation of the new expropriation—this seems to me simply one more example of that skilful cultivation of fog within one's own mind that has become such a fine art with our modern politicians. Mr. George seems to be one of those happily constituted men who thinks that expropriation is a patent safety process, which he can pull out of his pocket when he likes, and quietly put back again when he likes. There is a Hindoo story of a philosopher who, to show his power, undertook to call the dead bones of a tiger back into life. The experiment succeeded admirably. There was neither hitch nor flaw; only when the tiger was fully alive, the first thing it did was to eat up the philosopher. Should Mr. George be finally gobbled up by his own philosophy,—whatever regret there may be for him or for ourselves—there will be, it must be confessed, some amusement also.

I have said enough to show that I cannot agree with our Editor's remark, that "to be free we require not only the use of our faculties but something on which to use them."* As mere soil would hardly help the larger number

* *Outcome of Individualism*, p. 27. The whole passage is as follows:—"I have thus dealt with wages and interest under Individualism. What about rent?

"What is rent? Let me quote some of the economists. 'Rent,' says Adam Smith, 'may be considered as the produce of those powers of nature, the use of which the landlord lends to the farmer.'—(*Wealth of Nations*, McCulloch's Ed., p. 161.)

"'Bent,' says Ricardo, 'is that portion of the produce of the earth, which is paid to the landlord for the use of the original powers of the soil.'—(*Ricardo's Works*, McCulloch's Ed., p. 34.)

"'Wages and profits,' says Senior, 'are the creation of man. They are the recompense for the sacrifice made, in the one case of ease; in the other of immediate enjoyment. But a considerable part of the produce of every country is the recompense of no sacrifice; is received by those who neither labour nor put by, but merely hold out their hands to accept the offerings of the rest of the community.'—(*Political Economy*, 6th Ed., p. 87.)

"Now, to go no further than these quotations, it is evident that rent, properly so called, stands upon an altogether different footing from interest and wages. As an item of private incomes, it rests on private property in land. But this, I contend, is an unjustifiable institution. Land in the economic sense—that is, the raw material of the globe—no man made or can make. He can make improvements in it, and this is all he can do. Those improvements are his

of men and women to use their faculties, the argument necessarily involves much more—not merely soil, but the products of soil. In truth my friend unconsciously slips into the Socialist position. But the Socialist position is itself but a mere mirage of the imagination. There is no conceivable plan by which you can give men the materials which are needed for the use of their faculties. Seizing the materials of the world, putting them under a State lock and key, and doling out certain portions of them, according to the judgment of the few, who govern on a sublimed workhouse system, is certainly not giving the individual access to the world's material. It is easy to see that, under such a system, when once perfected, the individual (even if he absolutely owned the clothes on his back, about which there is a serious question,—for evidently there would be a State row if he had sold them or destroyed them, and therefore could not make his appearance at the proper hour of work in the State factory) could not raise a brick or turn a sod, or do a day's work with any materials and any tools, without first obtaining State permission. Can it then be claimed in any true sense, that the individual would have access to the world's material ? If the State-Socialist wishes to state quite exactly what he offers to the world, he should say, " I propose to confiscate all the world-material ; place it under State custody ; and dole out to individuals such portions of it in such manner, and under such regulations, in return for their compulsory labour, as the State thinks fit." This is a really true

by right of his labour embodied in them. He must, therefore, be allowed possession of that land or material sufficiently long to enable him to get his crop off of it—using the term 'crop' in the widest sense. Farther than this, however, he has no moral claim to it. It is no outcome of his energies. It is the gift of nature, not to him alone, nor even to his generation. It is the inheritance of the human race, and all he is entitled to is an equal right to use it with others. If more than this be conceded to him, it can only be at the expense of injustice to his fellows. This injustice reaches its climax when persons are allowed to possess far more than their share of the land, as previously defined, not for the purpose of using it productively, but to be periodically bought off by their less favoured fellow-citizens.

" Private property in land—apart from improvements—is essentially inconsistent with Individualism. To be free, we require, not only the use of our faculties, but something on which to use them ; and they are mocked, whether they know it or not, who are told they have freedom while all access to the raw material, without which they can produce nothing, is barred to them by a privileged few. Their liberty, under such circumstances, is that of a bird to fly in a vacuum."—ED.

description of State Socialism, stripped of all imaginative colouring. How under such a system, or how under a system of land nationalization, the ordinary individual is going to pass, as a matter of every-day life, into possession of the world's material, to use it in his own fashion and after his own likings—which is the only true means of developing his faculties—has not been explained, and never can be. Apart from the free market there is no free use of faculties, but only the regulation of the faculties of some by the faculties of others. Whatever follies men may be persuaded to indulge in at the present moment, the free and open market in everything is the gaol which lies before the human race.

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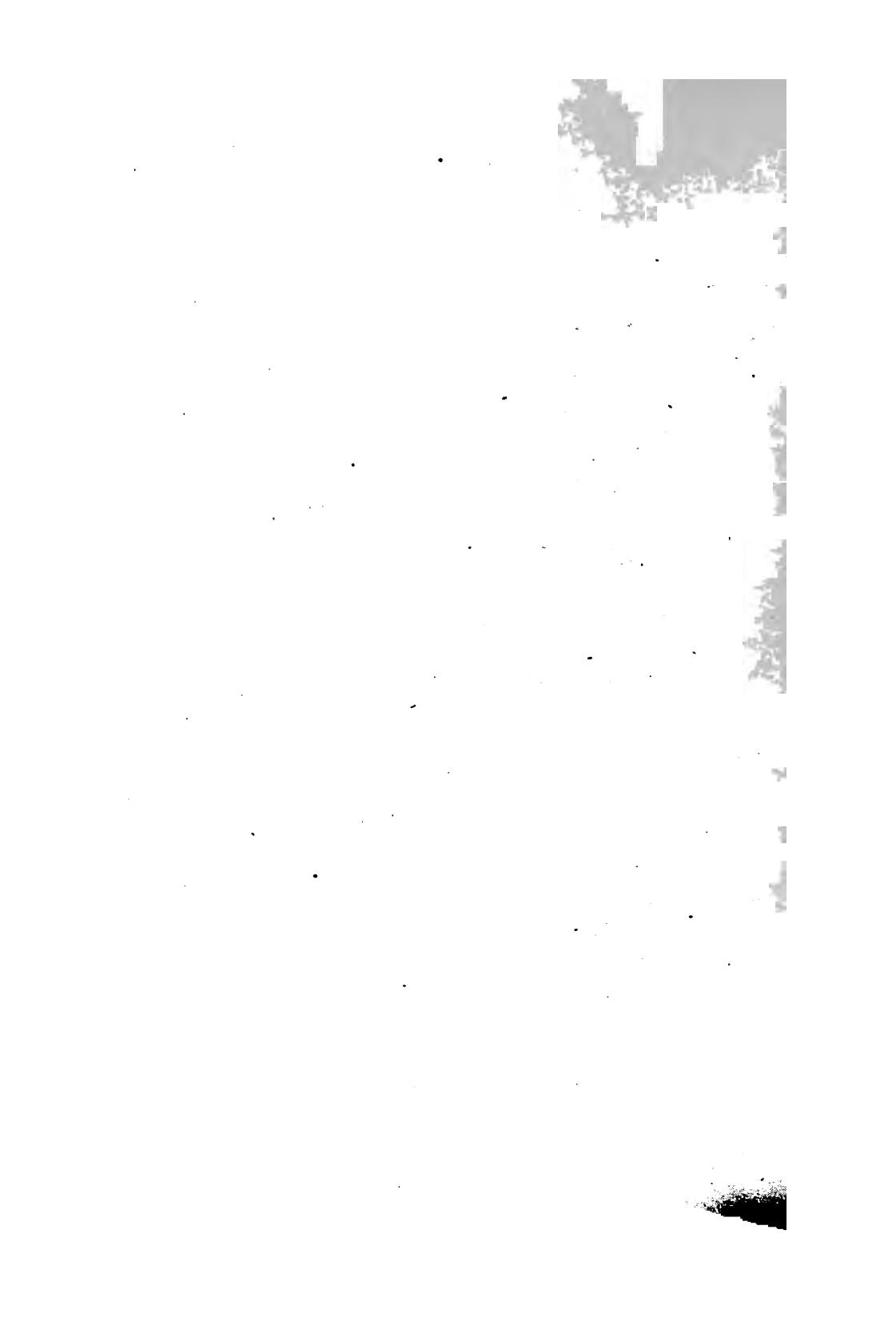












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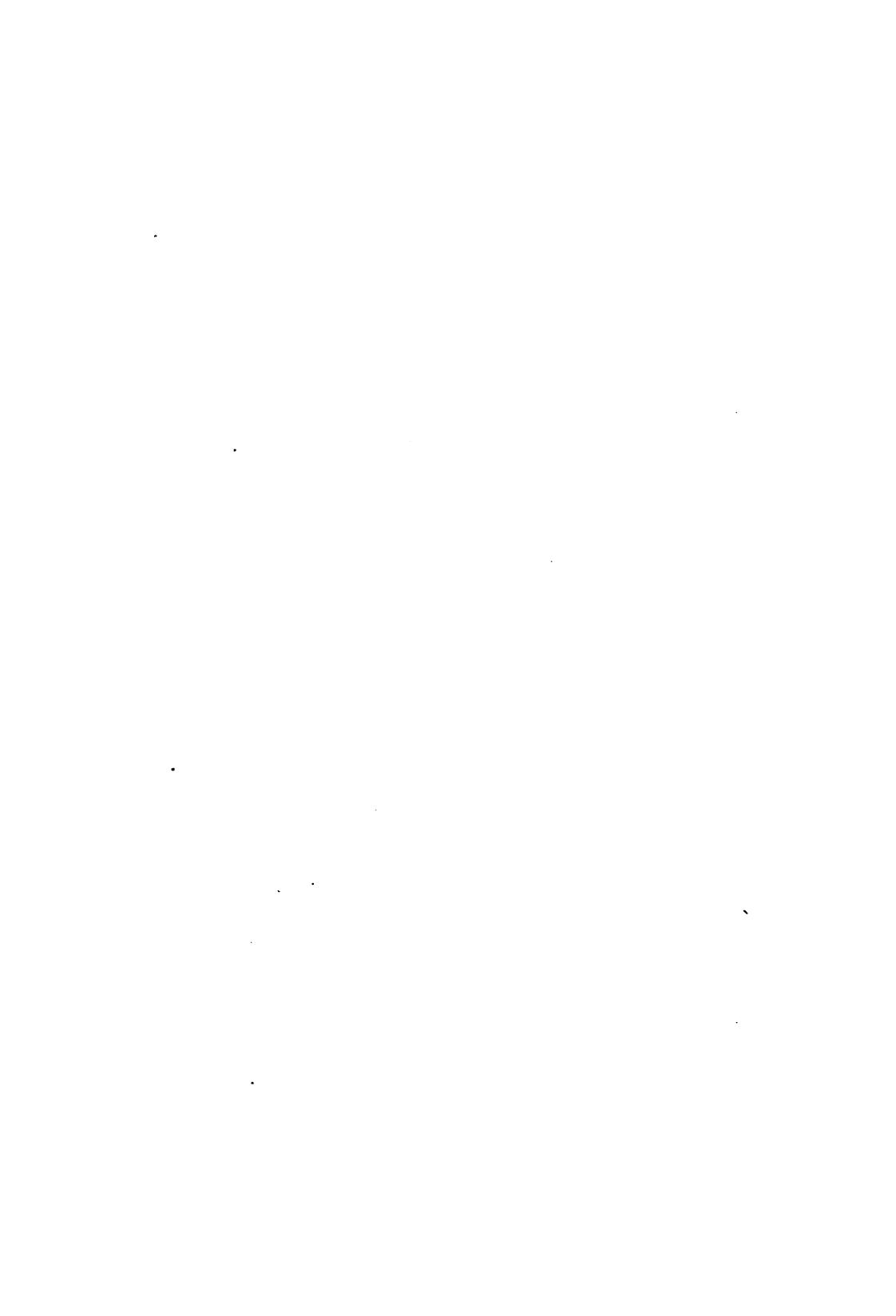




















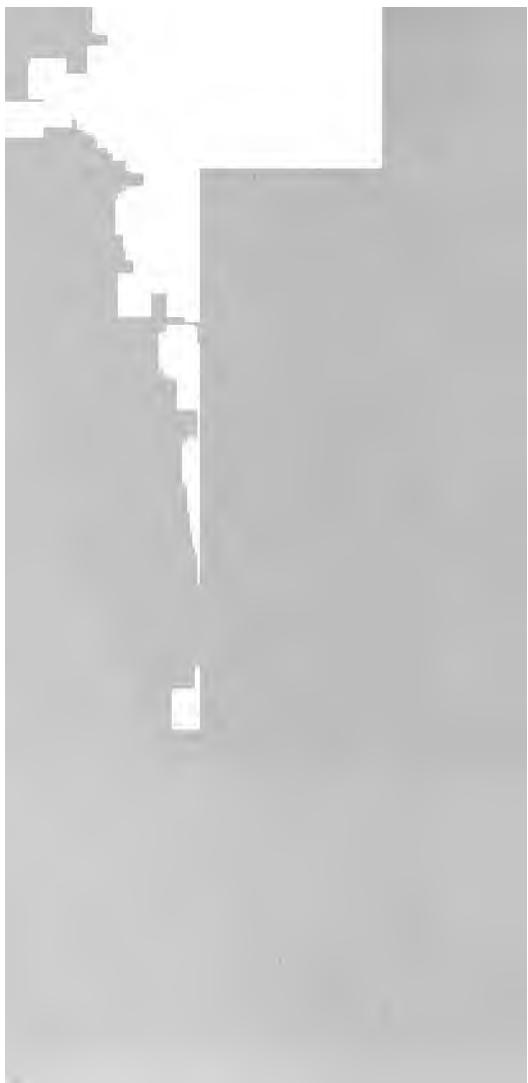










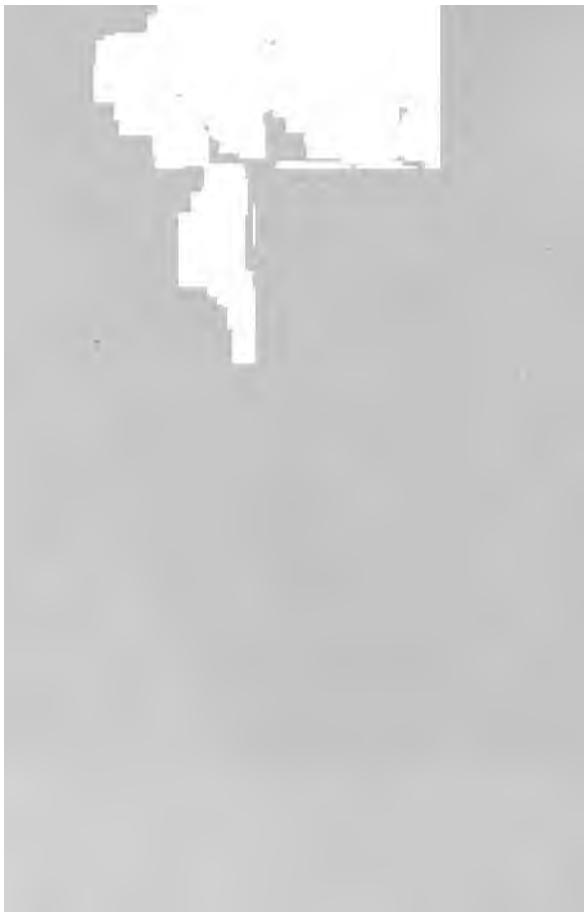






















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